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BOARD MEETING  
STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING  
1001 I STREET  
2ND FLOOR  
CENTRAL VALLEY AUDITORIUM  
SACRAMENTO, CALIFORNIA

TUESDAY, OCTOBER 18, 2005

9:30 A.M.

TIFFANY C. KRAFT, CSR, RPR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Ms. Rosario Marin, Chair

Ms. Rosalie Mul

Ms. Cheryl Peace

Mr. Carl Washington

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Marie Carter, Chief Counsel

Ms. Jeannine Bakulich, Executive Assistant

Mr. Michael Bledsoe, Staff Counsel

Ms. Wendy Breckon, Staff

Ms. Helen Carriker, Branch Manager, Financial Assistance  
Branch

Mr. Mitch Delmage, Manager, Waste Tire Management

Ms. Judy Friedman, Branch Manager, Organics & Resource  
Efficiency

Mr. Jim La Tanner, Supervisor, Loan Program

Mr. Jim Lee, Deputy Director, Special Waste Division

Mr. Howard Levenson, Deputy Director, Permitting and  
Enforcement Division

Ms. Carroll Mortensen, Assistant Director, Legislative and  
External Affairs Office

Mr. Jon Myers, Assistant Director, Public Affairs Office

Ms. Diane Nordstrom, Staff

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iii

APPEARANCES CONTINUED

STAFF

Mr. Chris Peck, Supervisor, Media/Outreach Services

Ms. Georgianne Turner, Supervisor, Tire Facility  
Permitting & Hauler Registration

ALSO PRESENT

Mr. Alan Abs, Rural Counties Environmental Services JPA

Mr. Sandy Roper, Assistant Zone Administrator, Kings  
County

Ms. Erica Swinney, Green Action

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INDEX

	Page
I. CALL TO ORDER	1
II. ROLL CALL AND DECLARATION OF QUORUM	1
Pledge Of Allegiance	2
III. OPENING REMARKS	2
IV. REPORTS AND PRESENTATIONS	3
V. PUBLIC COMMENT	
VI. CONSENT AGENDA	
VII. CONTINUED BUSINESS AGENDA ITEMS	
1. PULLED Consideration Of Approval Of Allocations For Contract Concepts From The Integrated Waste Management Account For Fiscal Year 2005/2006	
2. PULLED Consideration Of Approval Of Allocations For Contract Concepts From The Recycling Market Development Revolving Loan Account For Fiscal Year 2005/2006	
Item 3 Revised, 4 Revised, 5, 6, 7, 8 Revised, 9, 10 Revised, 11, 17 Revised, 19, 20 Revised, and 22.	
VIII. NEW BUSINESS AGENDA ITEMS	
Sustainability And Market Development	
3. Consideration Of The Amended Los Angeles Area Integrated Waste Management Authority Regional Agency Agreement; And Issuance Of A Revised Compliance Order -- (Committee Item B)	21
Motion	21
Vote	22
4. Consideration Of The Five-Year Review Report Of The Regional Agency Integrated Waste Management Plan For The Amador County Integrated Solid Waste Management Agency -- (Committee Item C)	21
Motion	21
Vote	22

INDEX CONTINUED

	Page
5. Consideration Of The Five-Year Review Report Of The Countywide Integrated Waste Management Plan For The County Of Tulare -- (Committee Item D)	21
Motion	21
Vote	22
6. Consideration Of The Five-Year Review Report Of The Countywide Integrated Waste Management Plan For The County Of Placer -- (Committee Item E)	21
Motion	21
Vote	22
7. Consideration Of The Five-Year Review Report Of The Countywide Integrated Waste Management Plan For The County Of Butte -- (Committee Item F)	21
Motion	21
Vote	22
8. Consideration Of The Five-Year Review Report Of The Countywide Integrated Waste Management Plan For The County Of Nevada -- (Committee Item G)	21
Motion	21
Vote	22
9. Consideration Of The Amended Nondisposal Facility Element For The City Of Rialto, San Bernardino County -- (Committee Item H)	21
Motion	21
Vote	22
10. Reconsideration Of A Second SB1066 Time Extension Application By The City Of San Marino, Los Angeles County -- (Committee Item I)	21
Motion	21
Vote	22
11. Consideration Of Applications To Renew The Following Recycling Market Development Zone Designations: (1) High Desert; (2) Santa Clarita; And (3) Siskiyou County -- (Committee Item K)	21
Motion	21
Vote	22

INDEX CONTINUED

	Page
12. Consideration Of The Recycling Market	23
Development Revolving Loan Program Application	
For Cranford, Inc. (FY 2005/2006)	
-- (Committee Item L)	
Motion	24
Vote	24
13. Consideration Of The Recycling Market	24
Development Revolving Loan Program Application	
For Sierra Pacific Packaging, Inc. (FY 2005/2006)	
-- (Committee Item M)	
Motion	27
Vote	27
14. CONTINUED To 11/15/2005 Consideration Of	
Requests By Plastic Trash Bag Manufacturers	
For Exemption For The Inability To Obtain	
Sufficient Quality Or Quantities Of Recycled Post	
Consumer Material To Demonstrate Compliance For The	
2004 Reporting Period For: (1) Glad Products Company	
(dba) Glad Manufacturing Company; And (2) Pactiv	
Corporation -- (Committee Item N)	
15. Discussion And Consideration Of Adoption Of	
Proposed Amendments To The Emergency Regulations	
For The Implementation Of The Electronic Waste	
Recycling Act Of 2003 (SB 20, Chapter 526, Statutes	
Of 2003, And SB 50, Chapter 863, Statutes Of 2004,	
As Amended) -- (Committee Item O)	
16. Consideration Of Approval Of Scope Of Work For	27
eRecycling Partnership Development And Public	
Awareness Program (Electronic Waste Recovery And	
Recycling Account, FYs 2005/2006 And 2006/2007)	
-- (Committee Item P)	
Motion	34
Vote	34

INDEX CONTINUED

	Page
Permitting And Enforcement	
17. Consideration Of A New Full Solid Waste Facilities Permit (Compostable Materials Handling Facility) For The Westlake Farms Biosolids Composting Facility, Kings County -- (Committee Item B)	34
Motion	56
Vote	56
18. Consideration Of A New Full Solid Waste Facilities Permit (Transfer/Processing Station) For The Sun Street Transfer Station, Monterey County -- (Committee Item C)	57
Motion	67
Vote	67
19. Consideration Of A Revised Full Solid Waste Facilities Permit (Transfer/Processing Station) For The Salinas Disposal Transfer Station & Recycling Center, Monterey County -- (Committee Item D)	
20. Consideration of A Revised Full Solid Waste Facilities Permit (Transfer/Processing Facility) For The MarBorg C&D Recycling And Transfer Facility, Santa Barbara County -- (Committee Item E)	
Special Waste	
21. Presentation Of The Results Of Community-Based Social Marketing (CBSM) Pilots To Increase Used Oil Recycling Participation In Three California Counties (FY 2002/2003 Used Oil Recycling Fund Contract IWM-C2056) -- (Committee Item B)	
22. Consideration Of Scope Of Work For Contract For Construction Management And Research Regarding Civil Engineering Applications Using Tire Derived Aggregate (Tire Recycling Management Fund, FY 2005/2006) -- (Committee Item C)	

INDEX CONTINUED

	Page
23. Consideration Of The Eligibility Criteria, Ranking Criteria And Evaluation Process For The Local Government Waste Tire Cleanup And Amnesty Event Grant Program For FY 2005/2006 (Tire Recycling Management Fund) -- (Committee Item D)	68
Motion	84
Vote	85
24. PULLED Consideration Of Scope Of Work For A Public Awareness Campaign To Promote Sustainable Practices (Waste Tire Recycling Management Fund, FYs 2005/2006 And 2006/2007) -- (Committee Item E)	
25. Update On Waste Tire Enforcement Program	85
Other	
26. Update On Legislation Of Interest To The Integrated Waste Management Board	114
IX. BOARD MEMBERS COMMENT	126
X. ADJOURNMENT	128

1 PROCEEDINGS

2 CHAIRPERSON MARIN: Now we're going to start.

3 This, we all suspect, is going to be a rather quick  
4 meeting today. A lot work was done during Committee  
5 meetings. And we are going to have a really fruitful  
6 Board meeting.

7 Welcome to the California Integrated Waste  
8 Management Board October meeting.

9 Would you please call the roll?

10 EXECUTIVE ASSISTANT BAKULICH: Mulé?

11 BOARD MEMBER MULÉ: Here.

12 EXECUTIVE ASSISTANT BAKULICH: Peace?

13 BOARD MEMBER PEACE: Here.

14 EXECUTIVE ASSISTANT BAKULICH: Washington?  
15 Marin?

16 CHAIRPERSON MARIN: Here.

17 I am most certain Mr. Washington will be joining  
18 us momentarily. But we have a few things that we can do  
19 without him being here yet.

20 I think everybody has been here before, but just  
21 in case you have not, we ask you to please silence your  
22 cell phones. If you would like to address the Board,  
23 there are speaker slips in the back. And our beautiful  
24 Jeannine will take those slips and give them to me at the  
25 time of that item.

1           There will be a closed session during lunch.

2           And with that, I think we can start with the  
3 Pledge of Allegiance.

4           Ms. Peace, would you lead us in the Pledge?

5           (Thereupon the Pledge of Allegiance was  
6 recited in unison.)

7           CHAIRPERSON MARIN: Okay. Are there any ex  
8 partes? Ms. Peace?

9           BOARD MEMBER PEACE: I'm up to date.

10          CHAIRPERSON MARIN: Ms. Mulé?

11          BOARD MEMBER MULÉ: I'm up to date.

12          CHAIRPERSON MARIN: And so am I.

13          I know as you were walking in, you might have  
14 seen there is a big CIWMB display, and we are very happy  
15 to sponsor Reuse Week. If you walk through the lobby, I'm  
16 sure you did, you can see that there are some items that  
17 you can use. And for those of you who are just listening  
18 through the Internet, understand that this is a week where  
19 we encourage everyone to reuse items. Things that you may  
20 not like or need anymore, make sure that you can give it  
21 to somebody else who will find a use for them.

22          We encourage that as we do -- our second part is  
23 we reduce, reuse, and recycle. So this is Reuse Week, and  
24 we encourage all of you in California to reuse. It's a  
25 second chance attitude. Everybody needs a second chance,

1 even items.

2 I want to make sure that somebody checks on Mr.  
3 Washington to make sure. Pretty soon -- we're going to be  
4 having our reports right now. But I want to make sure  
5 that before we take the consent calendar and so forth that  
6 he's here.

7 Ms. Peace, I know that you were very busy this  
8 month. Let us know what you did.

9 BOARD MEMBER PEACE: Okay. On September 27th, I  
10 met with Clarence Alford and Jeff Stoker of Enviro  
11 Recycle. This is an e-waste recycling facility. It's  
12 actually located right in the Sony building in San Diego.  
13 Enviro Recycle also has facilities in Rancho Cucamonga,  
14 Hayward, California; as well as in Pennsylvania.

15 They were telling me that most e-waste recyclers  
16 send their recovered glass to a smelter, where Enviro  
17 Recycle actually sends all of their monitor glass to a  
18 plant in Mexicali where it's broken, cleaned, and sold  
19 back to Sony where it actually becomes glass for new  
20 monitors again. Ninety-five percent of the computers they  
21 get are recycled, but they also fix, clean, and resell  
22 resalvageable computers that are less than three years  
23 old.

24 Also, I met with Bob Eerie and toured his  
25 facility, CRA, Computer Recyclers of America. CRA is one

1 of the largest e-waste recyclers in California. They're  
2 located in Vista in San Diego County. And they're in the  
3 process of opening a new facility in Fresno. They were  
4 telling me the first few months after SB 20 went into  
5 effect it was pretty tough. Some of their claims were  
6 denied. There was a definite learning curve. But now  
7 everything is going smoothly. One-hundred percent of  
8 their last claim was approved. Bob did show me his last  
9 claim. It was 2,000 pages long. That just goes to show  
10 you what our limited e-waste staff is up against.

11 CRA recycles just about everything; the glass,  
12 plastics, metal, even the shrink wrap from around incoming  
13 pallets of CEWs goes to be recycled. Bob said he has  
14 worked closely with Jeff Hunts and Yvette DiCarlo, and he  
15 had nothing but good things to say about them. He said  
16 they have been very tough, but also fair and always  
17 helpful. And he appreciates what a challenge it has been  
18 for them and our entire E-Waste team to get this new  
19 program up and running. And I also want to say thank you  
20 to Shirley Willd-Wagner, Jeff Hunts, the entire E-Waste  
21 staff. They have done an incredible job.

22 October 12th, I attended and gave the opening  
23 remarks at the Plastic Container Collection Recycling  
24 Workshop.

25 And also before I end my report, I would like to

1 thank Board Member Mulé for Chairing the October Special  
2 Waste Committee for me in my absence.

3 CHAIRPERSON MARIN: And just what you were doing?

4 BOARD MEMBER PEACE: Well --

5 CHAIRPERSON MARIN: Come on. You can be proud.

6 BOARD MEMBER PEACE: My husband and I, we flew to  
7 Saint Louis to watch the Padres play at the playoff game.  
8 That was very exciting, but unfortunately the Padres stunk  
9 up the place. They played horrible and didn't win the  
10 game. But we had fun anyway. There's always next year.

11 CHAIRPERSON MARIN: Well, we missed you during  
12 your Special Waste Committee. But we knew that you were  
13 out there rooting for your team.

14 Ms. Mulé.

15 BOARD MEMBER MULÉ: Thank you, Chair Marin.

16 On September 21st and 22nd, I attended the CCDEH  
17 annual meeting in Yosemite. And I presented on behalf of  
18 the Board a proclamation to the CCDEH. It was their 50th  
19 Anniversary as a organization. Mark Larry and Howard  
20 Levenson were there as well. Mark and Howard both sat and  
21 presented on two different panels. And I have to share  
22 with the Board it was a very, very interesting meeting. I  
23 had no idea the variety and realm of issues that the  
24 directors of environmental health deal with. I mean, it's  
25 not only solid waste. It's just a variety of issues. And

1 I have to tell you, the caliber of people that are in  
2 those positions is just incredible. And Mark is shaking  
3 his head. Just a very, very knowledgeable good group of  
4 people. And I have to say it was truly an honor to be  
5 there and be among such qualified people. It's a really  
6 great event.

7 And then on October 7th and 8th, I was at the  
8 League of Cities conference in San Francisco, and I sat in  
9 for Chair Marin on a panel on e-waste. And what was very  
10 interesting about that was there were probably, I don't  
11 know, eight or ten cities represented at this session.  
12 And the realm of knowledge in terms of what cities had a  
13 complete understanding of our program and what we're  
14 trying to accomplish. And on the other end, there was  
15 another city that had no idea where to begin. You know, I  
16 mean the question was, how do we apply for, you know --  
17 where do we get these forms? How do we begin?

18 And so it was just a very, very good  
19 informational session. And I want to thank Jeff Hunts, I  
20 saw him earlier, for his help and participation in  
21 answering some of the specific questions. It was a really  
22 good discussion. And I think Jeff and I both reinforced  
23 that we need to get out to the jurisdictions more and get  
24 this information out to them. It's very, very critical.

25 On October 11th and 12th, I attended the Plastic

1 Film and Container Recovery Recycling Conference. On the  
2 11th, I gave the opening remarks.

3           And again I just want to thank our staff for the  
4 hard work they put in this whole effort of plastics over  
5 the last year. What was very exciting was to have the  
6 stakeholders from the collection end to the end users all  
7 sitting in the same room and talking about the program,  
8 what is currently happening out there. The markets for  
9 plastic film in particular have changed dramatically in  
10 the last year. And I think this is a very, very opportune  
11 time for us as a Board and staff to move forward in  
12 working with the various stakeholders in looking at how we  
13 can help develop markets and help develop legislation and  
14 regulations that are going to help spur the market  
15 development and the use of this film as well as the RPPCs.

16           And then on October 14th, I attended -- or I  
17 toured the Athens Services Transfer and Materials Recovery  
18 Facility in the city of Industry. This facility takes  
19 mixed solid waste and source separates out all the  
20 recyclables and green waste to the extent they can. And  
21 again it's just a very interesting facility. They will be  
22 undergoing an expansion. And they have some issues in the  
23 community with odors, but they are addressing these  
24 issues. And it was a very impressive facility to go and  
25 see.

1           So with that, that concludes my report, Madam  
2 Chair.

3           CHAIRPERSON MARIN: Thank you.

4           And I'm so glad Mr. Washington has arrived.  
5 Thank you so much for being with us. What did you do this  
6 month?

7           BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

8           A few things I was able to participate in. The  
9 first one was in Long Beach staff held a waste tire  
10 interested party meeting, which went extremely well and  
11 was certainly an eye-opener for me as a former member of  
12 the Special Waste Committee in terms of a number of issues  
13 that have been raised regarding tires in California as  
14 well as businesses.

15           And I then voiced at that particular meeting some  
16 concerns that were raised from the stakeholders in the  
17 state of California as to whether or not businesses  
18 outside of the state are being taken care of before  
19 businesses in the state of California. And I think I  
20 e-mailed all of you guys as to the comments that I had  
21 with the staff regarding that.

22           Since then, I have talked with Mitch, and they  
23 have heeded to Madam Chair Peace's concern about how we  
24 make sure that California businesses are on top. And then  
25 others are listed and things of that nature. So I'm glad

1 we were able to cover some of those areas that was raised.  
2 And I don't know if it resolved all of Ms. Lindsay's  
3 concerns and others that were there, but I did tell them  
4 that I would be conversating with them in terms of making  
5 sure that their issues are addressed and we can address as  
6 it relates to tires in the state of California. It was a  
7 very, very good meeting. Michelle -- what is Michelle's  
8 last name, the manager for this meeting that you had?

9 DEPUTY DIRECTOR LEE: Michelle Martin.

10 BOARD MEMBER WASHINGTON: She was excellent,  
11 Madam Chair. And I wanted to say that to Mr. Lee, that  
12 she did an excellent job, as well as Chris Peck and others  
13 who were a part of that conference, in addressing the  
14 concerns that were raised from the stakeholders. There  
15 were about 65 or 70 people in that Council chamber. And  
16 they really -- the staff really stood tall, and I was very  
17 proud to be a part of the California Integrated Waste  
18 Management Board to see the type of job they were doing  
19 and addressing the concerns that were raised at that  
20 particular time. Some things they couldn't address, but  
21 they did do an excellent job. So that was a great meeting  
22 I attended. And I look forward to participating in more  
23 of these interested party meetings.

24 Then Madam Chair, with Madam Chair, I attended  
25 the SWANA --

1 CHAIRPERSON MARIN: Go ahead.

2 BOARD MEMBER WASHINGTON: I'll let you have it.

3 CHAIRPERSON MARIN: Only two, huh. There was  
4 only two brave Board members that went into the very  
5 difficult weather, and there was concerns about the  
6 hurricane and --

7 BOARD MEMBER WASHINGTON: Oh, man, yeah.

8 CHAIRPERSON MARIN: Two Board members did manage  
9 to brave the weather.

10 BOARD MEMBER WASHINGTON: We had one that was  
11 scared.

12 CHAIRPERSON MARIN: There was going to be an  
13 extra one that chickened out.

14 BOARD MEMBER MULÉ: No. There was one that new  
15 better.

16 CHAIRPERSON MARIN: So I don't know. But next  
17 time we need to go somewhere else. You know, it needs to  
18 be perfect weather, you know.

19 BOARD MEMBER WASHINGTON: We'll find a tornado to  
20 go to. Hurricane, that was nothing, man. When we get off  
21 the plane, I was looking for Madam Chair and Rosalie. And  
22 I was thinking -- they had canoes sitting out there  
23 waiting for us to get on. It was excellent. It was  
24 perfect.

25 BOARD MEMBER MULÉ: How was the conference, Board

1 Member Washington?

2 BOARD MEMBER WASHINGTON: The conference was  
3 nice. But I spent a lot of time looking for Member Mulé.  
4 And I was just distraught. I ran up to the Mayor of the  
5 City. I said, "Have you seen a Board member from  
6 California?"

7 We did. It was an excellent conference. The  
8 information that they provided throughout the country  
9 where we are as a state -- gosh, we are the leaders. I  
10 mean, and we say that a lot around here, but we are really  
11 the leaders in the state of California. People are  
12 looking to us for directions. And you know, the  
13 conference, it went extremely well. I attended the  
14 e-waste hearings, which it was great. We had some folks  
15 from Los Angeles there. And people are saying what  
16 California is doing about e-waste, we need to be going in  
17 that direction. So I'm very proud of what we stand for  
18 here in the state of California as it relates to our  
19 e-waste and how we are addressing the issue of e-waste in  
20 the state of California. And that was a two-day  
21 conference that I attended along with Madam Chair.

22 And then on October the 5th, we attended the  
23 Sunset Magazine event highlighting 47 sustainability  
24 building homes in Menlo Park. And that is phenomenal.  
25 And I'm sure Madam Chair is going to emphasize. To see

1 the homes that they -- I think it was 97 percent of  
2 whatever was in that home was placed back into the home to  
3 build the home. I mean, absolutely beautiful homes. And  
4 Madam Chair and I tried to figure out a way to get one,  
5 and they told us to go teach down in the area. What I  
6 know about the area, I wouldn't last a day trying to teach  
7 down there, because I would kill one of those kids. Not  
8 literally, but I would hurt them.

9 But the homes that they're building out of  
10 recycling around is phenomenal. I mean, it's just  
11 amazing. And they're very affordable. The area is very  
12 expensive, but the homes are very affordable. And I mean,  
13 they really have hundreds and hundreds of teachers. And  
14 the buses were full of people going to see it. The  
15 teachers from around the area was going down there to take  
16 a look at can they afford these homes and what type of  
17 homes they were. And they did a really good job.

18 And I just forgot the gentleman's name from my  
19 staff. I wanted to mention him. Do you remember, Jon,  
20 the young man who helped put this together? What's his  
21 name?

22 PUBLIC AFFAIRS OFFICE ASSISTANT DIRECTOR MYERS:  
23 Gregory Dick.

24 BOARD MEMBER WASHINGTON: The young kid, was it  
25 Gregory? Is that his name?

1 PUBLIC AFFAIRS OFFICE ASSISTANT DIRECTOR MYERS:

2 Yes. From Markets.

3 BOARD MEMBER WASHINGTON: Yes. He's a young guy.

4 I mean, so that's his name?

5 PUBLIC AFFAIRS OFFICE ASSISTANT DIRECTOR MYERS:

6 Yes.

7 BOARD MEMBER WASHINGTON: I want to make sure I  
8 got the right guy. Because if he was here, I would love  
9 for him to tell you how all this got started. He was very  
10 instrumental in getting this off the ground. He went to  
11 folks and say, "Hey, how about doing a sustainability  
12 house," and they're going to end up with 47 of them. So  
13 it was excellent. And I really did enjoy being there,  
14 Madam Chair.

15 And that concludes my report.

16 CHAIRPERSON MARIN: Thank you, Mr. Washington.

17 Well, I just have a couple of things to add to  
18 that. I attended with Governor Schwarzenegger a meeting  
19 between California and Baja California. It was a cabinet  
20 meeting back on September 23rd. We had the two cabinets  
21 talking about a number of issues. And, clearly, the  
22 environment is an issue that is very, very important to  
23 both Baja and the state of California. So we talked about  
24 that.

25 We dealt with waste tire issues, which is an item

1 that we have actually been working with now for a long  
2 time. And it seems to me there is going to be further  
3 agreements to try to deal with the environmental concerns  
4 raised by that.

5 On September 28th, I was -- I don't know why you  
6 put that in here. But I was very honored to -- and I had  
7 you and Julie, the First Lady had at the California Museum  
8 for History Women and the Art an exhibit that is Latinos,  
9 the Spirit of California. And I was very honored along  
10 with many other women throughout California to be  
11 highlighted, and I'm just very honored. It was very nice.

12 On October 5th, of course, we attended that --  
13 well, yeah, the SWANA.

14 BOARD MEMBER MULÉ: That I didn't go to.

15 CHAIRPERSON MARIN: The one you didn't go to, in  
16 Menlo Park. You know what was amazing about that?  
17 Everything that you said was absolutely incredible. But  
18 the things that we wouldn't even think about, when the  
19 rain goes through, it goes through this -- what do you  
20 call that? A filter. When you go through, it was on the  
21 garage, on the -- it's not like cement. But the water can  
22 actually go through.

23 BOARD MEMBER WASHINGTON: For the driveway. For  
24 the driveway. Yeah. What she's talking about is they  
25 made a driveway where the rain would normally run down,

1 but it's made out of material that when it goes down, it  
2 sucks in the material. It was incredible.

3 CHAIRPERSON MARIN: Somebody knows the term for  
4 that.

5 BRANCH MANAGER FRIEDMAN: Permeable concrete.  
6 Permeable pavement so the water collects in the ground.

7 CHAIRPERSON MARIN: And it's amazing. I mean,  
8 there were so many things, so many things. I was just  
9 really amazed at how much I need to do to my home.

10 BOARD MEMBER WASHINGTON: The water heater.

11 CHAIRPERSON MARIN: The water meter.

12 BOARD MEMBER WASHINGTON: This big.

13 CHAIRPERSON MARIN: Yeah. There is no water  
14 heater.

15 BOARD MEMBER WASHINGTON: Something like that,  
16 yeah. I have a water heater that's taller than this  
17 building. It's incredible.

18 CHAIRPERSON MARIN: We're going to have somebody  
19 from both Sunset Magazine and the builders I believe next  
20 month. And they're going to give us a highlight  
21 presentation of all the things that they did and how  
22 affordable these homes are. That's probably what was most  
23 impressive. Because you always think when you build these  
24 kinds of homes, it's going to be more expensive. And that  
25 may be the case. But at the end of the day, with the

1 savings on energy and so forth and the durability of these  
2 features, then it's not expensive or it's just less  
3 expensive.

4           Anyways, on October 7th, I was invited by the  
5 President to attend the Hispanic Heritage Month. And that  
6 was amazing. We were at the White House. And you know  
7 what was really interesting -- I'll just share this with  
8 you. Traditionally, there's been, you know, a celebration  
9 of Hispanic Heritage Month. And you have mariachis and  
10 music and food, and it's really a celebration. But  
11 because of what our nation has gone through with Katrina  
12 and the different hurricanes, the White House was really  
13 not in a celebratory mood.

14           And while we needed to recognize the  
15 contributions of Hispanics, what the White House did was  
16 highlight the contributions of six Latinos throughout the  
17 nation that contributed to the efforts of Katrina relief  
18 in one way or another. And then they highlighted some of  
19 these volunteers. Somebody was from Texas. Somebody else  
20 I think was from Tennessee and somebody from New York.  
21 And all of them Latinos in their own very special way  
22 contributed, volunteered hours to the efforts of Katrina.  
23 I thought that was very special, very elegant. There were  
24 no mariachis, but I think this was very nice.

25           Anyways, with that -- it's amazing. We only took

1 20 minutes to talk about everything that we have done,  
2 which is pretty good.

3 And that leads us to Mr. Leary's report.

4 Mr. Leary.

5 EXECUTIVE DIRECTOR LEARY: Thank you, Madam  
6 Chair. Good morning, Members. Taking advantage of the  
7 shortness of your presentations, I'll do a 45-minute  
8 presentation. Actually, mine will be brief also.

9 I'd like to start this morning with an update for  
10 you on the status of our Sonoma tire site remediation  
11 work. As you're aware, we have been actively working on  
12 the remediation of four waste tire sites in Sonoma County:  
13 The Beebe Family Ranch site, Silacci waste tire site, the  
14 Briggs waste tire site, and the Wilson Beebe Trust waste  
15 tire site.

16 Remediation and restoration project for the Beebe  
17 Family Ranch site are now complete. All fires and debris  
18 associated with the tires, approximately 900,000 passenger  
19 tire equivalents, have been removed from the site.  
20 Restoration work was completed by Karen Gerbosi's  
21 contractor.

22 Remediation and site restoration work at the  
23 Silacci site are now complete as well. Approximately  
24 66,000 passenger tire equivalents have been removed from  
25 that site. Restoration work was completed by Don

1 Silacci's contractor.

2 Works at the Briggs site is about 98 percent  
3 complete. To date, the Board's contractor has completely  
4 removed about 120,000 passenger tire equivalents from the  
5 two drainage ditches at the site. Approximately 3,000  
6 passenger tire equivalents are awaiting transport in the  
7 storage area.

8 Restoration work being done by Mr. Briggs'  
9 contractor is expected to be complete next week. The  
10 owner's contractor has removed all of the tires from two  
11 of the three drainage areas to a staging area on the  
12 Wilson Beebe Trust property. Approximately one-third of  
13 the tires have been removed from the third drainage area.  
14 And the remainder will be removed by next week. To date,  
15 the Board's contractor has removed approximately 62,000  
16 passenger tire equivalents from the staging area to an  
17 approved waste tire facility. Site restoration work being  
18 done to the Beebe Trust contractor is being completed on  
19 the area where the tires have been removed. The  
20 contractor has assured us that all remaining restoration  
21 work will be completed by the October 30th deadline.

22 Owners of fifth site, the Universal Portfolio  
23 waste site, did not provide the documentation required as  
24 far as the negotiated cost recovery, so this site will not  
25 be remediated until next year.

1           Board Member Mulé talked about the Plastic  
2 Workshop that occurred last week, so I will dispense with  
3 that, except to say that 40 people were here, but over 250  
4 people participated through a Board-generated web cast,  
5 which I think is a new record for interest through the  
6 internet in our work.

7           Good news from the Office of Education and the  
8 Environment. OE&E has recently been awarded a federal EPA  
9 grant for approximately \$91,000 to assist in our efforts  
10 to provide professional development and technical support  
11 to non-governmental organizations that specialize in  
12 environmental education. Staff and OE&E will be using the  
13 funds to conduct a series of workshops for NGOs throughout  
14 the state. Participants will learn to self-evaluate their  
15 programs and adapt their materials to work effectively  
16 with the environmental principles and concepts developed  
17 through the education and the environment initiative.

18           And, lastly, I'd like to commend Pat Schiavo and  
19 the staff from the Diversion, Planning, and Local  
20 Assistance Division and thank Bill Worrell within the San  
21 Luis Obispo County Integrated Waste Management Authority  
22 and its staff for the combined efforts of making the  
23 October Hearst Castle Challenge Bike Ride a hugely  
24 successful demonstration of special event recycling. This  
25 turned out to be one of those pretty darn close to zero

1 waste events, where approximately 93 percent of all waste  
2 generated was recycled by volume. Converted to a weight  
3 basis, the diversion rate would have been more like 95  
4 percent.

5           Recycling at this event was successful because of  
6 the team effort that involved our staff, Waste  
7 Connections, Courtney Brockman of the Hearst Ranch, Testa  
8 Catering, Bill Worrell, Peter Chron, and the Integrated  
9 Waste Management Authority staff. All parties exhibited  
10 the spirit of cooperation necessary to make this event a  
11 huge success.

12           One of the keys to the success this year was the  
13 addition of a Kettle Creek recycling containers and the  
14 Earth Tub, which was provided through the Board to compost  
15 food waste and food dirty paper.

16           We also owe a tip of the hat to the Best Buddies  
17 staff who embraced the spirit of zero waste by collecting  
18 all the waste generated in Monterey County where there  
19 were no recycling opportunities and then transporting it  
20 to the venue sites down in San Luis Obispo County where  
21 the staff sorted and recycled the waste. Excellent  
22 example where cooperation can make good results between us  
23 and local jurisdictions and all parties involved.

24           Finally, before closing, staff has been working  
25 very closely with the staff of the Governor on the First

1 Lady's Conference on Women and Family next week to make  
2 this event a zero waste event as well.

3 With that, Madam Chair and Members, I conclude my  
4 report.

5 CHAIRPERSON MARIN: Thank you, Mr. Leary.

6 Okay. At this point in time is the public  
7 comment. If anybody wishes to address any items not on  
8 the agenda, this would be the time that you need to  
9 address the Board. If not, and we have received no public  
10 input request, we'll go into the consent agenda.

11 For your information, the items on the consent  
12 are Item 3 Revised, 4 Revised, 5, 6, 7, 8 Revised, 9, 10  
13 Revised, 11, 17 Revised, 19, 20 Revised, and 22.

14 Ms. Mulé, do you want to pull Item 17?

15 BOARD MEMBER MULÉ: Yes, Madam Chair. I would  
16 like to pull Item 17. Thank you.

17 CHAIRPERSON MARIN: With that, does anybody else  
18 wish to pull any other items from the consent agenda?

19 Okay. Do I have a motion for the consent agenda?

20 BOARD MEMBER WASHINGTON: I'd like to move  
21 consent.

22 BOARD MEMBER MULÉ: Second.

23 CHAIRPERSON MARIN: Mr. Washington moves. Ms  
24 Mulé seconds.

25 Call the roll, please.

1 EXECUTIVE ASSISTANT BAKULICH: Ms. Marin?  
2 CHAIRPERSON MARIN: Oh, somebody wants to speak.  
3 We're going to call the roll.  
4 EXECUTIVE ASSISTANT BAKULICH: Mulé?  
5 BOARD MEMBER MULÉ: Aye.  
6 EXECUTIVE ASSISTANT BAKULICH: Peace?  
7 BOARD MEMBER PEACE: Aye.  
8 EXECUTIVE ASSISTANT BAKULICH: Washington?  
9 BOARD MEMBER WASHINGTON: Aye.  
10 EXECUTIVE ASSISTANT BAKULICH: Marin?  
11 CHAIRPERSON MARIN: Aye.  
12 Okay. We will then go through the agenda, and  
13 that item will be heard at the time it comes.  
14 That leads us to our -- let me just tell you what  
15 has happened now. We have Item 12 and 13 are on fiscal  
16 consent.  
17 Items 1, 2, and 24 were pulled.  
18 Item 21 was heard at Committee only and will not  
19 be heard here.  
20 Items 14 and 15 are continued to the November  
21 Board meeting. Items 16 Revised, 18, 23 Revised, 25, and  
22 26, along with 17 and 18 will be heard by the Board then.  
23 So with that, why don't we go into the  
24 Sustainability and Market Development Committee. That's  
25 me. Okay. I'll just give you my small Committee report.

1           We had 14 items, nine of them were on consent.  
2 Two of them are fiscal consent. One was moved to the full  
3 Board. And two were continued to the November Board  
4 meeting.

5           Judy, would you be kind enough to give us your  
6 report?

7           BRANCH MANAGER FRIEDMAN: Thank you, Madam Chair.  
8 Good morning. And good morning, Board members.

9           My report is really very brief. You already  
10 covered the status from the Waste Prevention and Market  
11 Development Division. We had six items: One consent, two  
12 fiscal consensus, two items continued to next month, and  
13 one to be heard here. So I'm ready to move into the  
14 agenda when you are.

15          CHAIRPERSON MARIN: Let's go to Item Number 12  
16 then.

17          BRANCH MANAGER FRIEDMAN: Item Number 12 is  
18 Consideration of the Recycling Market Development  
19 Revolving Loan Application for Cranford, Inc., Fiscal Year  
20 2005-2006. Cranford, Inc., is requesting a \$140,000 loan  
21 to finance the purchase of equipment. The Committee  
22 approved this item and placed it on fiscal consent. So I  
23 am recommending adoption of Resolution 2005-294.

24          CHAIRPERSON MARIN: Okay. Nobody else is going  
25 to present any more on this item. We heard it at

1 Committee. But because it's fiscal consent, it needs to  
2 come to the full Board.

3 Is there a motion for item Resolution Number  
4 2005 --

5 BOARD MEMBER MULÉ: Madam Chair, I move approval  
6 of Resolution 2005-294.

7 BOARD MEMBER PEACE: Second.

8 CHAIRPERSON MARIN: Moved by Ms. Mulé, seconded  
9 by Ms. Peace.

10 Call the roll, please.

11 EXECUTIVE ASSISTANT BAKULICH: Mulé?

12 BOARD MEMBER MULÉ: Aye.

13 EXECUTIVE ASSISTANT BAKULICH: Peace?

14 BOARD MEMBER PEACE: Aye.

15 EXECUTIVE ASSISTANT BAKULICH: Washington?

16 BOARD MEMBER WASHINGTON: Aye.

17 EXECUTIVE ASSISTANT BAKULICH: Marin?

18 CHAIRPERSON MARIN: Aye.

19 Okay. Judy, let's do Item Number 13.

20 BRANCH MANAGER FRIEDMAN: Very good.

21 Consideration of the Recycling Market Development

22 Revolving Loan Program Application for Sierra Pacific

23 Packaging, Inc., Fiscal Year 2005-2006.

24 Sierra Pacific Packaging, Inc., is requesting a  
25 \$1,350,000 loan to finance the purchase of equipment. The

1 Committee approved this item and placed it on fiscal  
2 consent. And, therefore, I'm recommending adoption of  
3 Resolution Number 2005-297.

4 CHAIRPERSON MARIN: Ms. Peace, you have a  
5 question.

6 BOARD MEMBER PEACE: I just have a question. I  
7 realize this loan is for 1,350,000, but they have also  
8 gotten a loan two years ago for \$2 million. That was  
9 subsequently sold. Don't we have a \$3 million limit to  
10 one company in our --

11 LOAN PROGRAM SUPERVISOR LA TANNER: Jim LaTanner,  
12 Supervisor for the Loan Program.

13 There is a \$3 million limit. But when that loan  
14 was sold, there's no obligation to the Board. So that  
15 doesn't apply.

16 BOARD MEMBER PEACE: Is that \$3 million limit,  
17 the purpose of that was to limit our liability and not to  
18 spread the wealth?

19 LOAN PROGRAM SUPERVISOR LA TANNER: Right. So  
20 one company won't come back four or five, six times for  
21 loans. We cap it at \$3 million for a borrower and related  
22 entities outstanding to the Board. So we sold the other  
23 loan, it doesn't count.

24 BOARD MEMBER PEACE: Right now it's not such a  
25 big question for me because we have quite a bit of money

1 in the fund. But if we didn't have a lot of money in the  
2 fund and there were people competing for limited funds,  
3 would that enter into it all about how many loans another  
4 company had gotten?

5 CHAIRPERSON MARIN: No.

6 LOAN PROGRAM SUPERVISOR LA TANNER: That wouldn't  
7 affect it.

8 CHAIRPERSON MARIN: It's like your own credit  
9 card. If you can pay it off, you can borrow from another  
10 credit card to pay -- that original company will still be  
11 able to give you your full -- once the debt is paid off,  
12 you can still borrow up to your higher --

13 BOARD MEMBER PEACE: I totally understand that.  
14 If we were trying to, like, use our funds to give  
15 everybody, you know, these low nice loans, and we're  
16 giving all of our money to one company, that's -- I guess  
17 that was my concern, not that -- I can see we weren't  
18 using this to limit our liability, but to spread the  
19 wealth.

20 Like I said, it's not really a big issue right  
21 now because we do have a lot of money in the fund. But  
22 I'm saying if we didn't have a lot of money in the fund,  
23 would we take into consideration at all say two companies  
24 were competing for limited funds and this company was  
25 already given a lot of money in the past and this one we

1 haven't --

2 LOAN PROGRAM SUPERVISOR LA TANNER: If there is  
3 another shortage of funds, we can probably lower the 3  
4 million down to 2 million outstanding at any one time and  
5 place a cap on how many times they can come back. But  
6 based on the amount available right now for the next six  
7 years, we don't anticipate a shortage.

8 BOARD MEMBER PEACE: I realize there's quite a  
9 bit in the fund right now. Okay. That's my only  
10 question.

11 CHAIRPERSON MARIN: Thank you.

12 Is there a motion?

13 BOARD MEMBER WASHINGTON: I'd like to move  
14 adoption of Resolution 2005-297.

15 BOARD MEMBER PEACE: Second.

16 CHAIRPERSON MARIN: Moved and seconded, Mr.  
17 Washington and Ms. Peace.

18 Call the roll, please.

19 EXECUTIVE ASSISTANT BAKULICH: Mulé?

20 BOARD MEMBER MULÉ: Aye.

21 EXECUTIVE ASSISTANT BAKULICH: Peace?

22 BOARD MEMBER PEACE: Aye.

23 EXECUTIVE ASSISTANT BAKULICH: Washington?

24 BOARD MEMBER WASHINGTON: Aye.

25 EXECUTIVE ASSISTANT BAKULICH: Marin?

1 CHAIRPERSON MARIN: Aye.

2 Okay. Item 16.

3 BRANCH MANAGER FRIEDMAN: Thank you, Madam Chair.

4 Consideration of Approval of Scope of Work for  
5 eRecycling Partnership Development and Public Awareness  
6 Program, Electronic Waste Recovery and Recycling Account,  
7 Fiscal Years 2005-2006 and 2006-2007. And Chris Peck will  
8 be making the presentation for staff.

9 SUPERVISOR PECK: Good morning, Judy. Good  
10 morning, Madam Chair, Board members. Agenda Item 16 seeks  
11 the Board's approval of a Scope of Work for a contract to  
12 support the public information needs of the Electronic  
13 Waste Recycling Program and would allocate \$1 million,  
14 \$500,000 each, in fiscal years 2005-2006 and 2006-2007 for  
15 this contract which staff proposes to let through a  
16 competitive request for proposals process.

17 We have a revised Scope of Work that addresses  
18 questions raised at the Sustainability and Market  
19 Development Committee, specifically addressing -- what  
20 we've done is added operation of a toll-free bilingual  
21 telephone line and specifically addressed Board member  
22 questions about measurement. If you'll bear with me, I'd  
23 like to just for the record review real quickly what the  
24 overall Scope of Work we're looking for here is.

25 The contractor will perform a variety of tasks

1 designed to increase public understanding of the purpose  
2 and benefits of California's Electronic Waste Recycling  
3 Law to achieve more consistent consumer messaging in the  
4 electronic retail environment and to strengthen  
5 participation by electronic manufacturers and retailers in  
6 the public education effort.

7 Work to be performed includes, but is not limited  
8 to the following:

9 Developing a partners program to identify and  
10 support the needs of the retail electronic sector;

11 Creating sample consumer point of purchase  
12 messaging and formats that can be easily used by  
13 retailers;

14 Implementing a sponsorship program with the goal  
15 of securing \$1 million in matching support from the  
16 manufacturing sector;

17 Facilitating promotions by retail and  
18 manufacturer partners that encourage free and convenient  
19 recycling opportunities;

20 Publicizing the operation and success of the  
21 California electronics recycling law through print and  
22 electronic media;

23 Operating a speakers bureau utilizing Board  
24 members and staff as well as third-party spokespersons;

25 Operating a toll-free telephone line for consumer

1 questions;

2 Enhancing our existing erecycle.org website as  
3 the Internet portal for public information about the law;

4 And program recycling opportunities;

5 Developing guidelines for licensing use of their  
6 erecycle.org brand;

7 And assisting in the review of licensing  
8 applications;

9 And seeking key stakeholder perspectives on  
10 campaign development and implementation through an  
11 advisory group;

12 And lastly, measuring and evaluating program  
13 success.

14 That's a quick overview of the task. I'll be  
15 happy to answer questions about any more detailed  
16 descriptions in the Scope of Work.

17 I do want to say since we submitted last week the  
18 revision of the Scope of Work, Program staff pointed out  
19 that just for the record we probably ought to amend the  
20 citations of the statute both in the preamble, the  
21 introduction to the Scope of Work, as well as the  
22 resolution to reference the recent chaptering of AB 575 by  
23 Assemblywoman Wolk. So we would do that when it comes  
24 time to -- actually, I would say we would propose a  
25 revision to Resolution 2005-304 so that the first

1 "whereas" at the end of that just prior to the semicolon  
2 we would add, "and AB 575 (Wolk) Chapter 59, Statutes  
3 2005.

4 So at that point, staff recommends the Board  
5 approve Option 1, approving the Scope of Work as revised  
6 and adopt Resolution 2005-304 as revised.

7 CHAIRPERSON MARIN: Thank you, Mr. Peck.

8 Ms. Mulé.

9 BOARD MEMBER MULÉ: Thank you, Madam Chair.

10 Chris, I have a question. Being at the League of  
11 Cities conference and in previous discussions with staff,  
12 I've come to the realization that we need to really target  
13 our jurisdictions in terms of outreach and public  
14 education. And I was just wondering if we were going to  
15 be doing any of that via the Scope of Work that we have in  
16 here.

17 SUPERVISOR PECK: This specific Scope of Work,  
18 Board Member Mulé, is targeting consumers, primarily  
19 through the retail environment where the consumers really  
20 need to get the information about the program. That's  
21 where they're paying the fee. And we're aware -- and we  
22 talked about in Committee that people are getting  
23 questions. They're being misinformed in some cases by  
24 retail employees who don't know the law or don't care to  
25 understand about the law.

1           So our focus primarily is to work with those  
2 folks to make sure that they're giving good information to  
3 the public. Certainly with respect to local government,  
4 the improved messaging that we have getting out the  
5 availability of point of purchase materials, things like  
6 that, will enhance their ability and their understanding  
7 of the program.

8           PUBLIC AFFAIRS OFFICE ASSISTANT DIRECTOR MYERS:  
9 Board Member Mulé, if I may. Jon Myers, Public Affairs  
10 Office.

11           We can certainly take a look at bringing forward  
12 a proposal to meet the needs you were talking about,  
13 reaching out to local jurisdictions as well. Chris  
14 outlined this one and the needs for this specific contract  
15 to go out to the consumers. But there definitely is a  
16 need for the local jurisdictions as well. We can bring  
17 something forward for you.

18           BOARD MEMBER MULÉ: I would like to see that.  
19 Because, again, in my discussions with staff and again at  
20 the League of Cities, it's apparent to me that, you know,  
21 our staff has done an outstanding job. But there's only,  
22 you know, half a dozen of them. And they can't do it all.  
23 And so we definitely need in my mind more assistance to  
24 the cities in terms of providing them information and  
25 education on what the program is all about, how we can

1 help them along. I mean, the issues that we're going to  
2 be discussing at tomorrow's workshop in terms of  
3 regulation, again just helping them come along with this  
4 new program.

5 BOARD MEMBER PEACE: In terms of regulation  
6 designated, you know, collectors.

7 BOARD MEMBER MULÉ: Right, Board Member Peace.  
8 That's just one issue, the issue of authorized agent or  
9 the new term we're going to be using. The other issue of  
10 abandoned and illegal waste. There's a whole host of  
11 issues we'll be discussing tomorrow. And I think it's  
12 important that we bring the jurisdictions in.

13 CHAIRPERSON MARIN: But that would be separate  
14 and above this. You know, I think that it's good what our  
15 Public Affairs Office is doing. You know, you have  
16 different targets. This particular Scope of Work targets  
17 the consumer. What is necessary for the others, the  
18 elected officials and so forth, is different. It's a  
19 different target. And we need to tailor the message to  
20 that particular target. So I would certainly appreciate  
21 if we can bring something back that specifically deals  
22 with that target.

23 I want to thank you guys both for a much better  
24 and improved -- new and improved. I like this. This has  
25 better measurements. One of the things that I will look

1 forward is goals that are big, better goals. And we're  
2 moving that way. But I really appreciate this effort. I  
3 know this was a lot more work. And you have to be a lot  
4 more thoughtful. And I do appreciate that. It's  
5 reflected here. So okay.

6 Is anybody willing to move this item?

7 BOARD MEMBER MULÉ: Madam Chair, I'd like to move  
8 Resolution 2005-304 Revised with the changes that Chris  
9 had mentioned earlier in his presentation.

10 BOARD MEMBER PEACE: Second.

11 CHAIRPERSON MARIN: Moved by Ms. Mulé, seconded  
12 by Ms. Peace. We're Scope of Work. Okay.

13 Please call the roll.

14 EXECUTIVE ASSISTANT BAKULICH: Mulé?

15 BOARD MEMBER MULÉ: Aye.

16 EXECUTIVE ASSISTANT BAKULICH: Peace?

17 BOARD MEMBER PEACE: Aye.

18 EXECUTIVE ASSISTANT BAKULICH: Washington?

19 BOARD MEMBER WASHINGTON: Aye.

20 EXECUTIVE ASSISTANT BAKULICH: Marin?

21 CHAIRPERSON MARIN: Aye.

22 That takes us to Permitting and Enforcement,  
23 Ms. Mulé.

24 BOARD MEMBER MULÉ: Thank you, Madam Chair.

25 We had a fairly short agenda at our Permitting

1 and Enforcement Committee. We heard four items. All  
2 items originally were on the consent agenda until  
3 yesterday, and today we pulled Items 17 and 18. Thank  
4 you.

5 CHAIRPERSON MARIN: Okay. So we're going to hear  
6 Item 17.

7 I see movement. And my eyes are going, who's  
8 going to say anything?

9 Mr. Levenson.

10 DEPUTY DIRECTOR LEVENSON: Good morning, Madam  
11 Chair and Board members. Howard Levenson with Permitting  
12 and Enforcement Division.

13 Item 17 is titled, "Consideration of a New Full  
14 Solid Waste Facilities Permit, Compostable Materials  
15 Handling Facility, for the Westlake Farms Biosolids  
16 Composting Facility in Kings County." I'd like to give a  
17 moderately short presentation to set the stage for your  
18 consideration of this.

19 This item is requesting your concurrence on the  
20 issuance of a new compostable materials handling facility  
21 permit for the Westlake Farms Biosolid Composting  
22 Facility. As you know, yesterday we received a fax from  
23 Ms. Erica Swinney of Green Action writing on behalf of the  
24 residents of Kettleman City to object to the Westlake  
25 permit. Among other things, the letter requested that any

1 decision by the Board not be made until a meeting can be  
2 scheduled in Spanish translation in Kettleman City. Staff  
3 did call Ms. Swinney yesterday afternoon to explain our  
4 60-day clock time constraints and our permit process.

5 Now, pursuant to Public Resources Code 44009, the  
6 Board, of course, has 60 calendar days to concur and/or  
7 object to the issuance of a full solid waste facilities  
8 permit. We received the proposed permit for this facility  
9 on August 22nd of this year. So the Board has until  
10 Thursday, October 21st to act on this permit.

11 Now, this is a new permit. And operation of this  
12 facility is pending issuance of the solid waste facilities  
13 permit. The proposed tonnage would be 1369 average wet  
14 tons per day of biosolids, not to exceed 500,000 total wet  
15 tons per year, and 1,095 average wet tons per day of green  
16 waste and other approved bulky materials, not to exceed  
17 400,000 tons of wet tons per year. Traffic would be 125  
18 average vehicles per day for both feedstock delivery and  
19 finished product removal.

20 The Environmental Impact Report developed for  
21 this project identified significant and unavoidable  
22 environmental impacts, specifically on ambient levels of  
23 particulate material in the area of the processing  
24 facility in Kings County. The county, of course, is a  
25 non-attainment area for particulate material. It also

1 identified significant and unavoidable impacts on traffic  
2 congestion associated with heavy truck traffic on  
3 Interstate 5 in northern Los Angeles County.

4 In 2004, the Kings County Board of Supervisors  
5 found that despite the occurrence of these significant  
6 unavoidable effects, the economic, social, and other  
7 benefits the project will produce will render the  
8 significant effects acceptable and, therefore, adopted a  
9 Statement of Overriding Considerations, which is  
10 Attachment 4 of your agenda item. And I'm not going to go  
11 into the reasons therein, but they're in the item itself.

12 Since this is a new permit, there was no AB 1497  
13 hearing that was required to be conducted by the LEA.  
14 However, there have been public hearings on the CEQA  
15 process on the environmental documents themselves and at  
16 the Board of Supervisors. And we have representatives  
17 here from the County Planning Department as well as the  
18 LEA and the operator here to talk about community outreach  
19 should you so desire.

20 The LEA has made all the necessary findings  
21 relevant to the permit, and staff finds that the proposed  
22 permit is consistent with all requirements. So we  
23 therefore recommend that the Board adopt Option 1,  
24 concurrence in the issuance of the proposed permit and  
25 adopt Resolution 2005-278 Revised.

1           As I indicated, there are representatives from  
2 the LEA, operator, and county here and staff as well.  
3 We'd be happy to answer any questions you have.

4           CHAIRPERSON MARIN: Thank you, Mr. Levenson.

5           We did hear this item in Committee. We did have  
6 the representatives come forward, and we did grill them or  
7 gruel them at that time.

8           Let me ask Ms. Erica Swinney from Green Action.  
9 And for the record, we do have your letter. Would you  
10 please come forward, Ms. Swinney. Thank you so very much  
11 for being here with us today. Please let us know your  
12 concerns.

13          MS. SWINNEY: Thank you very much, Madam Chair  
14 and Board members, for hearing me today. I'm here -- my  
15 name is Erica Swinney, Community Organizer with Green  
16 Action and Green Action for Health and Environmental  
17 Justice. And I'm here on behalf of Green Action as well  
18 as residents from Kettleman City, who unfortunately could  
19 not be here today.

20          And because of that, the major part of the  
21 concern we have for allowing this permitting process or  
22 any decision on this permit to be made today, because as  
23 far as my understanding and from what I've heard of  
24 residents is they physically really couldn't be at this  
25 kind of meeting based on -- I mean, just to tell you a

1 little bit about Kettleman City, if you don't know, it's a  
2 small mostly Latino community in Central California.  
3 Kings County is heavily mostly monolingual Spanish  
4 speakers and most low income, lots of farm workers who  
5 don't have the flexibility in their work or -- they can't  
6 come to these kind of meetings.

7           So unless a meeting can be brought to them where  
8 they really have the chance to really weigh in on is -- I  
9 mean, just hearing Mr. Levenson's comment in terms of that  
10 the potential economic and social benefits of this would  
11 outweigh the environmental benefits. And my understanding  
12 that that is not clear to the people of this community.

13           And in fact, they need to be the ones to say  
14 actually the environmental health impacts of a project  
15 like this -- and unfortunately from what I understand of  
16 just researching biosolid, in particular, there is a lot  
17 of controversy over really if this is really a safe  
18 product. And my understanding is even the term biosolids  
19 is a fabricated term to mask that there's potentially  
20 toxic hazardous material that is in this material that is  
21 proposed to be spread around this community. And the long  
22 term environmental impact effects on this community could  
23 be severe. And the people who are going to feel that the  
24 most are the residents of Kettleman City. So unless they  
25 really have an active role in determining -- in this

1 process, any decision made really would be in violation of  
2 civil rights and environmental justice policies, state  
3 policies, and federal laws. I mean, essentially because  
4 they would be disproportionately impacted by this process.  
5 And that really equates to environmental racism.

6 So my request is that definitely this item be  
7 pulled from the consent calendar. I object to even the  
8 permitting of this to this project. And thank you very  
9 much for hearing me today.

10 CHAIRPERSON MARIN: Let me ask you a couple of  
11 questions. This process, when a permit of this sort is  
12 sought, it goes through a very significant local process.  
13 Has Green Action been involved throughout all of this  
14 entire long-term process?

15 MS. SWINNEY: No. And actually this only  
16 recently came to my attention. Actually, I just became  
17 staff about a month ago. So I'm not clear as to the  
18 extent of what happened at every part of the process.

19 But all I know is when I sort of brought this  
20 issue -- agenda item to the attention of some of our  
21 people that we work with in Kettleman City, they were  
22 like, "We want to go to this meeting. We don't" -- people  
23 don't know about this. People don't know this project.  
24 And I'm sure there was a posting, as I know is required  
25 with these kind of things. But from one reason or

1 another -- there's not a direct outreach. Even for me to  
2 come today and, you know, it was a big effort. So really  
3 for people who are -- don't have the -- for whatever  
4 reason, for language or for jobs or for whatever issues  
5 can't -- don't have a direct understanding of what the  
6 implications are.

7 CHAIRPERSON MARIN: I appreciate your situation,  
8 and I would hope that you would understand our situation.  
9 We have a process that at the end of the process is where  
10 we come in. This process has been a very long process,  
11 this permit process, at the local level and certainly  
12 supervisory level. They've gone through different  
13 hearings. This has been in the public domain. Whether it  
14 should be more or less or whatever, it's debatable. But  
15 it's been out there in the public domain for a while.  
16 This Board comes in at the very, very end.

17 MS. SWINNEY: I understand that.

18 CHAIRPERSON MARIN: And to come in and raise  
19 these concerns at this point in time for items that we  
20 have absolutely no control over, it's difficult for us to  
21 deal with your concerns right now.

22 MS. SWINNEY: I understand. But at the same  
23 time, as a state agency, I mean and as --

24 CHAIRPERSON MARIN: Well, let me explain to you  
25 the other challenge that we have. Because composting

1 facilities are incredibly important to our overall mission  
2 of trying to reduce what goes into the landfill.

3 MS. SWINNEY: I understand that.

4 CHAIRPERSON MARIN: They play -- and I will tell  
5 you our very good friends from Citizens Against Waste, and  
6 I'm looking at my good friend, they will tell you -- these  
7 are people who -- this group, their biggest concern is the  
8 environment. And they come in and talk to us about the  
9 importance of having more composting facilities throughout  
10 the state. We do not currently have an infrastructure  
11 throughout the state that is sufficient, if you will, to  
12 deal with all the organics that unfortunately are going  
13 into the landfills.

14 MS. SWINNEY: And I totally completely agree with  
15 that. And I would hope that the state continues with  
16 that. But my issue and the issues Green Action of  
17 Kettleman is this issue on the sewage sludge that is going  
18 to be a major component of this. And I'm a big fan of  
19 composting totally green materials. But there's a lot of  
20 evidence of what goes into the public utility or sewage  
21 treatment plant -- there's also a lot of industrial waste  
22 and radioactive waste and chemical wastes and chemicals  
23 that are considered carcinogens. And my understanding is  
24 a lot of these things don't show up in the standard tests  
25 that -- and my understanding too that there's no quality

1 control for the level of biosolids or sewage sludge that  
2 go through this process.

3           My concern is that even though -- and since it is  
4 such a relatively new sort of waste management that I  
5 highly suggest to you, you know, implement the  
6 precautionary principle in this and that. If there's even  
7 the potential of spreading waste that -- even though it's  
8 composted and I'm sure it will be done in a way that uses  
9 all the latest technology. But if it's not quality  
10 controlled, if there's no specific monitoring that can see  
11 what's exactly in each batch of this sewage sludge, it's  
12 going to be spread around these communities. And they're  
13 going to be -- have the full effect. They're going to  
14 experience the full of effect of what the potential  
15 environmental and health impacts, you know, five years  
16 from now, ten years from now. And some of these chemicals  
17 I understand, you know, stay in the soil for hundreds of  
18 years, biocumulate in terms of things that, you know, go  
19 up through the food chains and whatnot.

20           This is why I think it's a really important thing  
21 to take more time in really hearing more sides of the  
22 story. I'm hearing people who live there, what they think  
23 of having this composted sewage sludge spread in their  
24 community. And for a decision like that to be made here  
25 and not there I think is a real problem. And so that's

1 why I respectfully highly suggest that whatever can be  
2 done to prolong this -- and I understand it's at the end  
3 of the process. And I wish I was here earlier to be a  
4 part of this. But at the same time, there's still this  
5 very -- the impact of this, whether intentional or not, is  
6 going to effect mostly Latino, low-income people. And  
7 that's environmental racism. And there's really no way  
8 around it.

9           So I really implore you very respectfully that  
10 this -- we take the proper time and allow the residents of  
11 Kettleman City really have their say and they can weigh in  
12 on this in a better way.

13           CHAIRPERSON MARIN: Thank you, Ms. Swinney. You  
14 know, most regrettably we have legal processes.

15           MS. SWINNEY: Yeah, I understand.

16           CHAIRPERSON MARIN: And if we had had your  
17 concerns expressed six months ago or -- I don't know when  
18 was the first time that they started with their process, a  
19 year ago, maybe some of those concerns would be addressed.  
20 And we have a limited amount of time. We are against the  
21 time. And these people have their due process. And they  
22 have presented to us evidence to suggest that they have  
23 gone by what the letter of the law has said.

24           MS. SWINNEY: Well, my understanding is there is  
25 a possibility of waiving this. I mean, I'm not exactly

1 sure of exactly what the -- I'm still learning these  
2 processes. But if there's anything that can be done, I  
3 mean -- I know my --

4 CHAIRPERSON MARIN: The limitation we have is  
5 that we have to render a decision. Unless we were to --  
6 it will be the 22nd. What's today? The 18th. If we were  
7 to not do anything today, they get their permit in four  
8 days, period.

9 MS. SWINNEY: Well --

10 CHAIRPERSON MARIN: We have no legal basis -- let  
11 me explain this to you. We have no legal basis in which  
12 we would deny the permit.

13 MS. SWINNEY: Well, then as representative -- and  
14 this is something that we will dispute. And I understand  
15 that this -- it would have been better heard earlier on.  
16 But, nonetheless, this is kind of what we feel. And we  
17 feel like this facility will be a detriment to this  
18 community. And we will come back and try and do this  
19 another way.

20 CHAIRPERSON MARIN: Well, let me explain to you  
21 one of the discussions that I had with my staff. This was  
22 just my staff this morning. Because I fully understand --  
23 and you have not seen it, but we have asked what level of  
24 involvement has taken place. You know, was there a public  
25 hearing? Was it this? We asked all of that from people

1 here. And I don't know if you know, but I'm a Latina and  
2 we have an African American person here. Some of these  
3 issues are concerns to us. And I can tell you they're  
4 just as big a concern to the non-Latinos people on this  
5 dias.

6 So the point is, we have an obligation to render  
7 a verdict if you will. Okay. We have no legal basis on  
8 which we can deny this permit.

9 MS. SWINNEY: But if it's pulled from the consent  
10 calendar --

11 CHAIRPERSON MARIN: It's been removed. What  
12 we're doing right now was not on the public consent. We  
13 removed it. Otherwise, we wouldn't be hearing it right  
14 now. So we gave you -- I removed it. She removed it from  
15 the consent calendar. If it had been on the consent  
16 calendar, you wouldn't be allowed to speak. Okay. But we  
17 gave you the opportunity to speak.

18 What you guys raise is a different issue as far  
19 as I'm concerned. And I'm going to be asking our legal  
20 staff to what degree can we specifically on future permits  
21 can we set a set of requirements for public hearings. And  
22 I need to find out. And they're going to have to do some  
23 research as to -- if we're going to on the permit process,  
24 can we request that a hearing be bilingual. Can we  
25 request that it be done at times that are more appropriate

1 to working families.

2           You know, but you raise -- I can tell you, you  
3 should be very happy, because now you've raised some  
4 questions to me that I, in turn, will raise to my legal  
5 staff and that later on maybe we need to make this -- and  
6 my staff, nobody has heard this, because it just so  
7 happened because of your letter.

8           But this will be prospective. It will be for the  
9 future permits. And, you know, do we have the authority  
10 to make some requests so that when a permit comes before  
11 us, we can say, well, they did this. They did this. They  
12 did this. And the opportunities that you believe were  
13 denied to your community, that will not happen. But we  
14 cannot do it retroactively.

15           MS. SWINNEY: I understand. And I appreciate  
16 your commenting in that way. And Green Action, I'm sure,  
17 would be very happy to help you in figuring out how to  
18 better interact with these communities and so that  
19 everybody is clear on what's going on.

20           CHAIRPERSON MARIN: I do appreciate. I want you  
21 to be happy of your efforts. While it may not necessarily  
22 be fruitful to what you desire for this particular one, I  
23 think it raises some very valid issues for us to consider  
24 in future permits. Most regrettably, we cannot deal with  
25 it retroactively. We cannot now impose new requirements

1 on a permit that has four days to go.

2 MS. SWINNEY: I understand.

3 CHAIRPERSON MARIN: Okay. Ms. Peace.

4 BOARD MEMBER PEACE: I'd like to say also that I  
5 feel badly that legally we can't stop the clock. We do  
6 have to take action today. But the operator can stop the  
7 clock. So if the operator agrees to stop it, he can. I  
8 doubt he'll do that, but he could.

9 MS. SWINNEY: Who is the operator?

10 BOARD MEMBER PEACE: Is the operator here?

11 I do want to say I'm concerned that the public  
12 feels that they didn't get the information that they  
13 deserve, they didn't get a chance to have their voices and  
14 their concerns aired. And because this was a new  
15 facility, it didn't require the AB 1497 public hearing,  
16 although it was heard by your Planning Commission and the  
17 Board of Supervisors. I'm concerned about that also.

18 And I believe that staff will be bringing forward  
19 a regulation package next month that will require public  
20 hearings on all new facilities as well as revised  
21 facilities. But I guess it's too late for you, and I feel  
22 bad about that. But that's the way it stands right now.  
23 And we have to take action today.

24 CHAIRPERSON MARIN: Okay. Ms. Mulé, then Mr.  
25 Washington.

1 BOARD MEMBER MULÉ: Thank you, Madam Chair.

2 I guess I have a couple questions for staff. I'd  
3 really like for someone to address the issue of public  
4 outreach and public hearings. What was done? Because I  
5 think it would be important for Ms. Swinney here to  
6 understand what was done and for us to understand if  
7 anything more can be done. Number of hearings, time of  
8 day would be very interesting.

9 BOARD MEMBER WASHINGTON: And Ms. Mulé, I believe  
10 the operator is here.

11 CHAIRPERSON MARIN: We have the LEA here as well.

12 BOARD MEMBER MULÉ: The second thing is I would  
13 like for our legal staff to address the issue of what our  
14 legal obligations and options are. I think it's important  
15 that we discuss that, as Ms. Marin had alluded to earlier.  
16 Thank you.

17 CHAIRPERSON MARIN: Mr. Levenson.

18 DEPUTY DIRECTOR LEVENSON: Certainly. And while  
19 the -- I believe the operator and the representative from  
20 the Planning Commission would be the best ones to answer  
21 the question exactly what hearings were held. But just a  
22 couple of points while they're coming up. I do want to  
23 confer what's been said up at the dias that the Board  
24 itself cannot waive the 60-day clock, although the  
25 operator can. The Statement of Overriding Considerations

1 was adopted by the elected officials, the Board of  
2 Supervisors.

3 And there has been litigation on this particular  
4 permit. Some litigation has been settled and others is  
5 still pending. But that does not allow us to stop the  
6 process of hearing this permit. If the operator or the  
7 Planning Commission representative would like to come up  
8 and discuss what outreach there's been, I think that would  
9 be helpful.

10 CHAIRPERSON MARIN: Thank you.

11 Hello. State your name for the record, please.  
12 And thank you very much for being here with us.

13 MR. ROPER: My name is Sandy Roper. I'm the  
14 Assistant Zoning Administrator for the Kings County  
15 Planning Agency.

16 The county received the application for  
17 conditional use permit number 02-01 for the proposed  
18 biosolids composting facility on February 20th of 2002.  
19 As I was just saying, the planning agency received the  
20 conditional use permit on February 20th of 2002.

21 A Notice of Preparation was circulated on April  
22 5th of 2002 for a 30-day public review period. Three  
23 comment letters were received from agency and 58 comment  
24 letters from residents of Kettleman City, Lemoore, and  
25 Stratford.

1           A Notice of Review was published on August 8th of  
2   2003 announcing that the draft Environmental Impact Report  
3   would be available and circulated from August 18th, 2003,  
4   until October 3rd, 2003.

5           There were scoping meetings held in both Hanford  
6   and Kettleman City on the same day. The meeting in  
7   Hanford was held in the afternoon at approximately 1:30  
8   p.m. And the meeting in Kettleman City was at 6:30 p.m.  
9   that same evening. Spanish translators were available  
10  both of those meetings.

11           On January 23rd, 2004, public notice was provided  
12  for the availability of the final Environmental Impact  
13  Report.

14           On February 2nd of 2004, the Planning Commission  
15  held a public hearing. Spanish translation services were  
16  available at the Planning Commission hearing. During that  
17  public hearing, there were 16 people who testified in  
18  favor of the project and nine people who testified in  
19  opposition. In addition, prior to the end of the public  
20  hearing, there were 168 letters submitted in both English  
21  and Spanish. And of those, 166 were in favor of the  
22  project.

23           On February 17th, the Planning Commission adopted  
24  Resolution 04-05 approving the conditional use permit.

25           On February 25th of 2004, there were three

1 appeals filed on the project.

2 And on April 20th of 2004, the County Board of  
3 Supervisors considered those three appeals, and they held  
4 a public hearing. And at their public hearing, there was  
5 again a Spanish translator available. And on that date,  
6 the Board of Supervisors adopted Resolution Number 04-031  
7 denying the appeals and upholding the Planning  
8 Commission's decision. A copy of that Resolution along  
9 with all of the attachments has been provided to Virginia  
10 of your staff.

11 And if you have any questions, I'd be happy to  
12 try to answer them.

13 CHAIRPERSON MARIN: Thank you, Mr. Roper.

14 Mr. Washington.

15 BOARD MEMBER WASHINGTON: And I don't have so  
16 much as a question to this gentleman. I don't know how  
17 much of that information that you were privy to.

18 MS. SWINNEY: I was not. This is the first time  
19 hearing it.

20 BOARD MEMBER WASHINGTON: So it sounds though to  
21 me -- three years ago when I came to this Board, I raised  
22 the same concern, Madam Chair, the exact same thing you  
23 guys are asking for, I asked counsel for the same thing.  
24 I was told that we couldn't mandate folks have hearings at  
25 a certain time, but we can strongly suggest; is that

1 right, Mr. Levenson?

2 DEPUTY DIRECTOR LEVENSON: That's correct, sir.

3 BOARD MEMBER WASHINGTON: And we began a process  
4 when these permits start coming, we were requesting or  
5 suggesting to LEAs when they go out with these operators  
6 they hold hearings at a time that is feasible for the  
7 community to be a part of them. I think that's where your  
8 6:30 hearing came from in the city of Kettleman City;  
9 right?

10 MR. ROPER: Yes.

11 BOARD MEMBER WASHINGTON: So this has been  
12 requested. It's really an unfortunate situation here.  
13 And I think Madam Chair has done a fine job in really, you  
14 know, giving you the bottom line, is that once it gets to  
15 us in a process like this, we're pretty much at the end of  
16 the rope here. With all the concerns that you have, we've  
17 raised these concerns on numerous occasions across the  
18 state of California. Has no bearing on what the ethnicity  
19 of a city is. It's based on what we believe is in the  
20 best interest of the health and safety of the people of  
21 California that this permit go through the right process.  
22 And it seems as though that that did happen.

23 And, again, Madam Chair has asked for -- made  
24 some requests. And hopefully that will help, you know --  
25 it doesn't help your situation, I understand that. But it

1 will help further down the road in addressing a lot of  
2 these concerns.

3 My concern was, and Ms. Mulé had certainly raised  
4 it, in terms of having the folks tell us what did they do  
5 to put out the request. Because you can't dispute it, we  
6 don't know whether it's true or not. So for us, we have  
7 to take the operator's word that they in good faith went  
8 out to the community. And it sounds like a number of  
9 folks did respond and did come to those hearings. And  
10 so --

11 CHAIRPERSON MARIN: And just so that you know, we  
12 did hear some of this during the Committee hearing. So  
13 for us, when they explained to us what they had done, to  
14 us it sounded pretty reasonable, and they had gone beyond  
15 what -- or at least they did what the letter of the law  
16 requested.

17 Ms. Peace, you wanted to make one last comment or  
18 no? Okay.

19 Muchas gracious.

20 MS. SWINNEY: Thank you for hearing me today.

21 CHAIRPERSON MARIN: Thank you, Mr. Roper.

22 Is there any motion?

23 BOARD MEMBER MULÉ: Madam Chair, again, my second  
24 request was if legal can address the issues.

25 CHIEF COUNSEL CARTER: Marie Carter, Chief

1 Counsel. I'd ask Mr. Bledsoe to address the question of  
2 public hearings.

3 MR. BLEDSOE: Michael Bledsoe from the Legal  
4 Office.

5 Is your question whether the Board can require  
6 public hearings at the moment, or whether we can adopt  
7 regulations to require public hearings in the future?

8 BOARD MEMBER MULÉ: No. Actually, my question  
9 was, legally, as far as our decision today, if you can  
10 just describe the -- you know, our legal responsibility  
11 basically.

12 MR. BLEDSOE: Yes. I think Madam Chair  
13 summarized it. There is no legal basis for the Board to  
14 object to this permit. Public Resources Code Section  
15 44009 specifies the basis on which the Board may object to  
16 a permit. The key one of those is whether the proposed  
17 facility will meet the state minimum standards, and this  
18 does. It also satisfies financial assurances requirement  
19 and so on and so forth, the other requirements. So you  
20 have evidence before you that this project is compliant  
21 with state law.

22 BOARD MEMBER MULÉ: Thank you, Michael. I just  
23 wanted to make sure that the public hears and understands  
24 what our legal responsibility is. Thank you.

25 CHAIRPERSON MARIN: But in addition, I would

1 like -- and I know that when we look at the regulations  
2 that we revise them that we really become very thoughtful  
3 about what are the requirements versus suggestions versus  
4 what the Board would like to see in public hearings and  
5 public accessibility.

6 Mr. Levenson.

7 DEPUTY DIRECTOR LEVENSON: Madam Chair, the  
8 timing of this conversational, although it's not  
9 auspicious for this particular permit, is very auspicious  
10 in terms of regulatory changes being brought before the  
11 Board next month at the Permitting and Enforcement  
12 Committee. In response to AB 1497, we specifically will  
13 be bringing a regulatory package to you for your  
14 consideration of starting the formal rule making. And it  
15 will include provisions related to hearing requirements  
16 for new permits as well as revised permits, also in terms  
17 of provisions for tracking community outreach. So the  
18 issues that you've raised today are part of that package  
19 we'll be hearing next month.

20 CHAIRPERSON MARIN: Excellent. I'm very, very  
21 happy to hear that.

22 BOARD MEMBER WASHINGTON: Madam Chair, let me add  
23 I would invite Green Action and other groups who are  
24 concerned about these areas that this Board in its  
25 authority that they seek legislation to give us more

1 authority to do something about situations like this. And  
2 my office will be glad to talk to you in terms of how we  
3 start the process. But I said it three years ago when I  
4 came to this Board that we need more authority to be able  
5 to do something about something like this. So  
6 legislatively we'll work with you. And certainly you have  
7 that option to do so.

8 CHAIRPERSON MARIN: Thank you.

9 Okay. Without any further comments, do we have a  
10 motion?

11 BOARD MEMBER MULÉ: I'd like to move Resolution  
12 2005-278 Revised.

13 BOARD MEMBER WASHINGTON: Second.

14 CHAIRPERSON MARIN: Moved by Ms. Mulé, second by  
15 Mr. Washington.

16 EXECUTIVE ASSISTANT BAKULICH: Mulé?

17 BOARD MEMBER MULÉ: Aye.

18 EXECUTIVE ASSISTANT BAKULICH: Peace?

19 BOARD MEMBER PEACE: Aye.

20 EXECUTIVE ASSISTANT BAKULICH: Washington?

21 BOARD MEMBER WASHINGTON: Aye.

22 EXECUTIVE ASSISTANT BAKULICH: Marin?

23 CHAIRPERSON MARIN: Aye.

24 Okay. Thank you, gentlemen. I think it's all  
25 gentlemen, but it's a lady. But that's just from our

1 staff. So thank you.

2 And thank you, Ms. Erica Swinney, for being here  
3 today. Okay.

4 Item Number 18, Howard.

5 DEPUTY DIRECTOR LEVENSON: Thank you, Madam  
6 Chair.

7 Item 18 is Consideration of a New Full Solid  
8 Waste Facilities Permit Transfer/Processing Station for  
9 the Sun Street Transfer Station in Monterey County. And  
10 I'll make a very short presentation on that and then seek  
11 your direction.

12 This item does request the Board's concurrence on  
13 the new Sun Street Transfer Station Solid Waste Facilities  
14 Permit. The facility is currently operating as a  
15 medium-volume transfer/processing facility with a  
16 registration permit that was issued in November of 2004.

17 The proposed permit which would be a new Solid  
18 Waste Facilities Permit would allow the following changes:  
19 It would allow for the operation of a large-volume  
20 transfer/processing facility. Would increase the maximum  
21 daily tonnage from 100 to 400 tons per day, 300 of which  
22 would be solid waste; 100 tons of which would be  
23 recyclables. And would increase maximum traffic volume  
24 from 150 to 296 vehicles per day.

25 The LEA has made all the necessary findings, and

1 staff finds that the proposed permit is consistant with  
2 all requirements.

3 As with the last permit, since this is a new  
4 permit, AB 1497 hearing be conducted by the LEA is not  
5 required. So staff, therefore, recommends that the Board  
6 adopt Option 1, concurrence in the issuance of the  
7 proposed permit and adopt Resolution 2005-279.

8 I'd be happy to provide you more information on  
9 AB 1497 if you'd like.

10 CHAIRPERSON MARIN: Thank you, Mr. Howard.

11 I know Ms. Peace asked this be pulled. Your  
12 question.

13 BOARD MEMBER PEACE: Yes. I have some comments.  
14 Like Howard mentioned, that requirements of AB 1497 only  
15 apply to revised permits. I guess it's my interpretation  
16 that this is not really a revised -- not really a new  
17 permit, but a revised permit.

18 And if you'll bear with me for a minute as I  
19 digress to help make a point, I would like to refer to  
20 Item 19 for a second, which was put on consent. It is for  
21 a revision to a Full Solid Waste Facilities Permit in  
22 Monterey County. They were expanding the operating area,  
23 even though the operating area was already there. Part of  
24 it was being used to store equipment. Now the whole  
25 operating area is going to be used for processing.

1 They're going to take in 300 tons a day, which was no  
2 change in the permit. They were not taking any more  
3 tonnage. And the traffic, there was actually a decrease  
4 in traffic. There was not an increase in traffic.

5 But because this was a revised permit, the LEA  
6 held a public hearing according to the requirements of AB  
7 1497. And at that hearing where the public had a chance  
8 to have their concerns addressed, the public said, "We're  
9 concerned about litter." And litter cleanup is a new  
10 condition of this permit.

11 They said, "We're concerned about dust." So  
12 improved dust control is a new condition of this permit.

13 They were concerned about increase in tonnage,  
14 and they were explained to them there was no increase in  
15 tonnage.

16 They were concerned about traffic. And they  
17 explained to them there was not going to be any increase  
18 in traffic.

19 The public was concerned about the look of the  
20 facility and wanted it to look nicer and wanted it to have  
21 some landscaping. So now landscaping is required in the  
22 TPR in this permit. The public had a chance to voice  
23 their concerns, and they were heard.

24 Then you go to Item 18, it says this is a new  
25 Full Solid Waste Facilities Permit. And to me, this is

1 not a new permit. This is a change in a permit they  
2 already have. In fact, it's such a significant change  
3 that goes beyond what is authorized by the existing  
4 permit, they had to go to the next level of permit. So  
5 these people here and this permit, this facility is going  
6 from 100 tons a day, not to 300 tons a day, but to 400  
7 tons a day. It's quadrupling what they're taking. The  
8 traffic is going from 150 to 296 vehicles a day, so the  
9 traffic is doubling. The nearest resident is only 100  
10 feet away, and the people here in this community did not  
11 get a chance to voice their concerns.

12           And I'm just wondering, these are both in  
13 Monterey County. So what was the LEA thinking when he was  
14 thinking okay, you know, these people over here get their  
15 voices heard, but these people over here don't. And you  
16 know, if you look at 1497, it says the operator of a Solid  
17 Waste Facilities Permit may not make a significant change  
18 in design or operation of the solid waste facility that is  
19 not authorized by the existing permit unless the change is  
20 approved by the enforcement agency. And that, before  
21 making its determination, that the enforcement agency  
22 shall submit the proposed determination to the Board for  
23 comment and hold at least one public hearing on the  
24 proposed determination, and that the bill would require  
25 the Board to adopt regulations relating to the public

1 hearing and define the term significant changes in the  
2 definition or operation of the solid waste facility that  
3 is not authorized in the existing permit.

4 I guess it's just my interpretation. And I do  
5 have a different interpretation than our Legal staff does.  
6 It's my interpretation there was such a significant change  
7 in this that was not authorized in the existing permit  
8 that a higher level permit was necessary, which in effect  
9 is a revision in the operation of the facility.

10 And it's also my thought that just because the  
11 regulations were not written as clearly as they could have  
12 been to carry out the intent of the law, that does not  
13 mean that the regulation can be reasonably interpreted so  
14 as to result in a lower standard for a more significant  
15 change.

16 Yet, clearly, this is the interpretation that the  
17 Monterey County LEA would like to accept. This flies  
18 clearly in the face of the intent of the statute. You  
19 know, the intent of the law is clear to me. The intent is  
20 that the community, the neighbors, have a right to know if  
21 there's going to be a change to a facility that could  
22 affect them and could affect their environment. And just  
23 because the regulation is not clearly crafted does not  
24 subject it to an absurd interpretation.

25 The LEA followed the regulations in an effort to

1 avoid the law, is the way I feel, is that they say we're  
2 going to go with the exact interpretation of the law in  
3 order to avoid what should have been done. And I wouldn't  
4 like to think that that was done in this case because the  
5 community is 60 percent hispanic. The community is 22  
6 percent below the poverty level, where in the other one  
7 that was not quite the case. I wouldn't like to think  
8 that was why they did it.

9 But my interpretation is different. I feel that  
10 my interpretation goes along with the intent of the  
11 statute. And for that reason I'm going to have to vote no  
12 on this permit.

13 CHAIRPERSON MARIN: Okay. Do we have anybody  
14 from the LEA here? No.

15 You were not at the Committee, were you?

16 BOARD MEMBER PEACE: No. But I was told there  
17 wasn't much discussion. It was put on consent. Mr.  
18 Levenson did mention staff will be bringing forth  
19 regulations next month to clarify the closed public  
20 hearing loophole and require public hearings on all new as  
21 well as revised permits. And I would like to say I am in  
22 total support of that portion of the reg package. But  
23 again in this case I just think they're kind of skirting  
24 along here.

25 CHAIRPERSON MARIN: Okay. Anything more? Okay.

1           BOARD MEMBER MULÉ: I was just wondering if staff  
2 can -- Howard, if you don't mind addressing some of the  
3 issues that were brought up by Board Member Peace.

4           DEPUTY DIRECTOR LEVENSON: Sure. We can also  
5 bring some of our legal counsel if needed. But I think it  
6 probably would be helpful to give you a little bit of  
7 context on AB 1497 and other deliberations that the Board  
8 has had on this issue. And all of you have been strong  
9 advocates of closing this loophole.

10           AB 1497 became effective in January of 2004. And  
11 among other things, it did require the Board to adopt  
12 regulations which implement the public hearing  
13 requirements when processing applications for permit  
14 revisions. And there was quite a bit of back and forth at  
15 the author's office on how that legislation was ultimately  
16 phrased. And I'm sure Ms. Mortensen can speak to that if  
17 needed.

18           But prior to this, I think it's also important  
19 for you to remember that in late 2003 the Board adopted  
20 the construction/demolition inert debris processing  
21 regulations which did require the LEA to hold a public  
22 hearing for new C&D permits, but not for anything else at  
23 that point in time.

24           At its January 2004 meeting, the Board directed  
25 staff to apply that requirement, the CDI C&D requirement,

1 for public hearings for a new permit to other solid waste  
2 facilities in operation. And that's what we've been doing  
3 in the informal rule making process for what we call the  
4 AB 1497 or permit implementation regulations. Those will  
5 be brought back to you at the P&E Committee next month for  
6 direction to start the formal rule making process. And  
7 they do include the requirement that public meetings be  
8 conducted for all new permits, following your direction,  
9 provide consistency with the current regs that require a  
10 hearing prior to issuance of a C&D permit, and in  
11 providing a more transparent and accessible permit  
12 process.

13           So this is something where I know some of you  
14 have attended some of our workshops. We've had very  
15 extensive informal outreach on this entire regulatory  
16 package dealing with how do we define a change in  
17 operation and design that's authorized by a permit and  
18 what are the requirements for noticing and for hearing for  
19 different levels of permits and so on. So we will be  
20 coming back to you in I guess two weeks to the Committee  
21 level to seek your authorization to start the formal rule  
22 making process and hopefully close this gap.

23           CHAIRPERSON MARIN: You know, I tried to be as --  
24 I usually give people the benefit of the doubt. I want to  
25 believe that people that are seeking permits that they do

1 it in a way that is really honorable. I want to believe  
2 that. I don't think that I can function if I just think  
3 everybody out there is -- their whole intent is not to do  
4 things honorably. You know, I don't think I could  
5 function believing that everybody is out there just trying  
6 to not follow the law or they're looking for a way not to  
7 do that. I don't think I could function that way. It  
8 would be very sad if that, in fact, was the case and we  
9 paint every single organization, you know, with a broad  
10 brush and say, well, they're all doing this and they're  
11 all looking for an opportunity not to follow the law and  
12 they're looking for a way. It is my hope that is not the  
13 case.

14 If we need to provide clarity, you know, to  
15 further their efforts, then I think it is our  
16 responsibility to do that. But I want to believe that  
17 people, especially in government, especially local  
18 enforcement agencies, it would be my hope, and I choose to  
19 believe that these are honorable people trying to do an  
20 honorable job.

21 BOARD MEMBER MULÉ: Madam Chair, if I may, too.

22 I just want to echo your comments. I mean, I've  
23 had the opportunity to meet and talk to a number of the  
24 LEAs and the people that are out there actually doing this  
25 work. And I agree with you. I don't think that these

1 people are trying to skirt anything, nor do I think we are  
2 either.

3           And I was at the site. I did visit it a few  
4 months back and had some questions and voiced some  
5 concerns to the LEA and the operators that were there.  
6 And they did address those, you know. They said they were  
7 making improvements in the traffic. They were realigning  
8 roads and whatnot. And, again, it's important for us to  
9 go out and to see these facilities and to ask those  
10 questions in order to have a clear understanding of what  
11 exactly, you know, is being done here.

12           When you read this item, it may seem rather  
13 alarming that they're going from 100 to 400 tons a day.  
14 But when you're out there looking at the site and seeing  
15 what's going on, it presents a whole different  
16 perspective. So I strongly urge all of our Board members  
17 to get out there and take a look.

18           There are some gaps in the public hearing  
19 requirements, Board Member Peace, but there is a process.  
20 And it was followed. And I don't think that anybody was  
21 trying to skirt anything. And so I just, you know, agree  
22 with Board Member Marin. I think everybody is trying to  
23 do the job to their best ability, and they're not trying  
24 to hide anything from anybody. I'm sure that there were  
25 some public -- not necessarily public, but public

1 notification requirements. Again what were they? What  
2 were those? And in our minds are they adequate? And do  
3 we need to see if we can change them?

4 But again, I'm ready to move this Resolution,  
5 Madam Chair.

6 CHAIRPERSON MARIN: Okay. Let's go ahead and  
7 call the roll, please.

8 BOARD MEMBER MULÉ: I move Resolution 2005-279.

9 BOARD MEMBER WASHINGTON: Second.

10 CHAIRPERSON MARIN: Moved and seconded by  
11 Mr. Mulé and Washington.

12 Call the roll.

13 EXECUTIVE ASSISTANT BAKULICH: Mulé?

14 BOARD MEMBER MULÉ: Aye.

15 EXECUTIVE ASSISTANT BAKULICH: Peace?

16 BOARD MEMBER PEACE: No.

17 CHAIRPERSON MARIN: Washington?

18 BOARD MEMBER WASHINGTON: Aye.

19 EXECUTIVE ASSISTANT BAKULICH: Marin?

20 CHAIRPERSON MARIN: Aye.

21 We will -- for legal purposes, Marie.

22 CHIEF COUNSEL CARTER: The Board has taken no  
23 action because there was not a unanimous vote. So this  
24 will be deemed concurred.

25 CHAIRPERSON MARIN: Is there a time when this

1 happens? When does it actually take effect?

2 CHIEF COUNSEL CARTER: Immediately.

3 CHAIRPERSON MARIN: Thank you. Okay.

4 That leads us to item number -- us to Special  
5 Waste. I bet you don't have a report.

6 BOARD MEMBER PEACE: No. Board Member Mulé has  
7 graciously agreed to do the report since she was the one  
8 that was there.

9 CHAIRPERSON MARIN: Ms. Mulé.

10 BOARD MEMBER MULÉ: Be happy to. Thank you,  
11 Madam Chair.

12 We heard three Special Waste items. There was  
13 one that had been scheduled but was pulled prior to the  
14 Committee meeting. One item was a presentation to the  
15 Committee only, and one was placed on consent.

16 So with that, Mr. Lee.

17 DEPUTY DIRECTOR LEE: Okay. Mr. Lee.

18 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

19 Good morning, Board members. My name is Jim Lee. I'm  
20 Deputy Director of the Special Waste Division.

21 Board Item Number 23 is Consideration of the  
22 Eligibility Criteria, Ranking Criteria, and Evaluation  
23 Process for the Local Government Waste Tire Cleanup and  
24 Amnesty Event Grant Program for Fiscal Year 2005-06.

25 This item was heard by the Special Waste

1 Committee, but recommended for hearing before the full  
2 Board. This was to allow time for staff to consider and  
3 evaluate stakeholder recommendations and two Committee  
4 proposals. The first proposal was to consider a  
5 set-aside, essentially a reservation of a portion of  
6 available grant funds in the Amnesty Grant Program for  
7 rural counties. This change has been made in a revised  
8 Resolution, which you have before you. And Diane  
9 Nordstrom will provide more detail in her staff  
10 presentation to follow.

11           The Committee also asked staff to evaluate the  
12 provision of what could be described as a contingency  
13 set-aside, which would be used to potentially pay for  
14 costs incurred by grantees who receive more tires at their  
15 amnesty day events and incur costs beyond their approved  
16 grant amount. It is the consensus view of Program, Legal,  
17 and Admin staff the potential problems involved with the  
18 implementation and administration of this proposal, while  
19 not insurmountable, would pose a formidable challenge with  
20 only a modest foreseeable benefit. And we would not  
21 recommend this proposal to the Board.

22           With that, I would now ask Diane Nordstrom to  
23 make the remainder of the staff presentation.

24           CHAIRPERSON MARIN: Hi, Diane.

25           (Thereupon an overhead presentation was

1           presented as follows.)

2           MS. NORDSTROM: Good morning, Madam Chair and  
3 members of the Board. I'm Diane Nordstrom of the Special  
4 Waste Division.

5                               --o0o--

6           MS. NORDSTROM: In prior years, the Board has  
7 awarded two separate grant programs. One was the Local  
8 Government Waste Tire Cleanup Grant Program which provided  
9 funding to local governments for the removal, transport,  
10 and end use or disposal of waste tires from tire  
11 stockpiles or nuisance dumping in their communities. And  
12 the second was the Amnesty Day Event Program, which  
13 provided funding to local governments for collection  
14 events which allowed citizens to bring waste tires to  
15 convenient locations for proper management. This year,  
16 Board staff is proposing that these two grant programs be  
17 combined into one grant application process to streamline  
18 the grant award process.

19                               --o0o--

20           MS. NORDSTROM: At the May 11, 2005, Board  
21 meeting, the Board allocated \$1 million for each program.  
22 Board staff is proposing that the \$1 million -- which will  
23 be available for each program. However, if one program is  
24 undersubscribed, the remaining funds may be used to fund  
25 the other program if needed.

1           To assure that rural jurisdictions receive  
2 adequate funding for Amnesty Event, the Special Waste  
3 Committee directed staff to set aside 25 percent of the \$1  
4 million to jurisdictions located in rural counties. Board  
5 staff recommends a maximum grant award of \$50,000 per  
6 site, or 200,000 per applicant for the waste tire cleanup  
7 programs and a maximum grant award of \$25,000 per  
8 applicant for Amnesty Events with no minimum match  
9 required for an applicant.

10                               --o0o--

11           MS. NORDSTROM: To combine these two grant  
12 programs, Board staff is recommending that no changes be  
13 made to the applicant eligibility for either program.  
14 Eligible applicants will continue to be local governments,  
15 which include local enforcement agencies, county and city  
16 departments, code enforcement agencies, and California  
17 Native American tribes.

18           For project eligibility, there are no proposed  
19 changes for the Waste Tire Cleanup Program. However,  
20 Board staff is recommending the addition of a coupon  
21 program for Amnesty Events. This change will allow local  
22 jurisdictions to distribute coupons to the public to bring  
23 waste tires to manned facilities on specified days. Only  
24 the cost of collection, transportation, and disposal or  
25 end use of waste tires will be eligible for reimbursement

1 under the Amnesty Events Program.

2 The applicant staff time for oversight, public  
3 education, and advertising costs for Amnesty Events will  
4 not be an eligible expense for grant funds and will be  
5 considered a funding match from the applicant.

6 --o0o--

7 MS. NORDSTROM: For the evaluation process, Board  
8 staff is recommending that no changes be made to the  
9 ranking criteria used to evaluate applicants for the Waste  
10 Tire Cleanup Program. Sites and projects that are  
11 proposed for cleanup will continue to be ranked based on  
12 their potential threat to public health and safety and the  
13 environment.

14 However, to simplify the evaluation process for  
15 the Amnesty Event Program, Board staff is proposing the  
16 elimination of the scoring criteria that was used to  
17 evaluate the Amnesty Event applications and replace it  
18 with a ranking criteria which would rank applications  
19 based on the cost per tire for collection, transportation,  
20 and disposal or end use of waste tires.

21 --o0o--

22 MS. NORDSTROM: If two or more applicants have  
23 the same cost per tire for an Amnesty Event, then an  
24 applicant that has a Waste Tire Enforcement Grant in place  
25 will receive a higher ranking. If two or more applicants

1 have both equal cost per tire and a Waste Tire Enforcement  
2 Grant in place, then the applicant that has the highest  
3 funding match for oversight, public education, and  
4 advertisement of an Amnesty Event will receive a higher  
5 ranking.

6 --o0o--

7 MS. NORDSTROM: Approval of these proposed  
8 changes will allow staff to buy in these two grant  
9 programs and effectively streamline the evaluation and  
10 award process. Approval of this item would also direct  
11 staff to prepare the Notice of Funding Availability for  
12 this fiscal year which would be distributed to local  
13 governments and the California Native American tribes.

14 Staff recommends the Board adopt Resolution  
15 2005-283 and approve the consideration of the eligibility  
16 criteria, ranking criteria, and evaluation process for the  
17 Local Government Waste Tire Cleanup and Amnesty Event  
18 Program for 2005-2006.

19 This concludes my presentation.

20 CHAIRPERSON MARIN: Okay. Thank you. We do have  
21 somebody that wishes to address the Board on this item.  
22 And it's none other than Alan Abs from the Rural Countries  
23 Environmental Services JPA.

24 Thank you, Alan, for being here.

25 MR. ABS: Thank you for allowing me to be heard.

1 My name is Alan Abs. I'm the solid waste director for  
2 Tehama County and also working on behalf of the Rural  
3 Counties Environmental Services JPA.

4 On a related note, I would like to mention that  
5 Tehama County had their third Waste Tire Amnesty Event  
6 eight days ago and did collect almost 4400 tires from four  
7 different sites. And since our tire hauler, who is Waste  
8 Tire Products, which I believe the Chair has visited in  
9 her travels, since Waste Tire Products is also a certified  
10 collector of e-waste, we decided to throw in an e-waste  
11 event at the same time and collected 15 tons of e-waste  
12 under those events as well.

13 So on that note, we continue to thank the Waste  
14 Board for funding the Waste Tire Grant Programs and  
15 provide a tremendous service to not only rural counties  
16 but to all counties in California.

17 And additionally, we'd like to thank the Board  
18 for recommending or -- Board staff recommending the  
19 allocation of the 25 percent towards rural counties for  
20 the Waste Tire Amnesty Grants.

21 I did have some concerns that I wanted to share  
22 with the Board for their consideration, if not for this  
23 current discussion, then for future discussions on funding  
24 for the waste tire events. And as part of that, I've  
25 passed out a letter that Jim Hemminger wrote three years

1 ago, and you're probably wondering why you're getting a  
2 letter that's three years old. But I think everything  
3 that he mentions that we pulled out of the archives  
4 remains true today.

5 Jim had written that letter at the request of  
6 Waste Board staff to find out why rural participation had  
7 declined from some of the previous Waste Tire Grant cycles  
8 to the cycle that was currently being administered. So  
9 Jim wrote that letter. And two of the big items that he  
10 identified were the inability to regionalize Waste Tire  
11 Amnesty Grants, and also an issue that some of the smaller  
12 rural counties were having with matching funds. And in  
13 his opinion, those two items led to a significant decrease  
14 in rural country participation for these types of grants.

15 And so I looked at the current proposals. And I  
16 did discuss them a bit with Diane yesterday afternoon and  
17 I believe Larry Sweetser has talked with her on this  
18 subject as well.

19 One of the problems that I see is going back to  
20 not allowing regionalization of Waste Tire Amnesty Grants.  
21 And one of the services that the Rural Counties ESJPA is  
22 getting together, many of the really small rural counties,  
23 and saying let's all gang up and do a Waste Tire Grant.  
24 And some of these counties individually in the past have  
25 applied for Waste Tire Grants, and their total grant

1 amount would come out to be \$5,000 or \$6,000.

2           And nowadays when you couple that with the fact  
3 that their publicity and education and their advertising  
4 expenses would not be covered by the grant, we would be  
5 getting into a situation where some of these small  
6 counties would be putting in a lot of effort to apply for  
7 a grant where they might only receive 3- or \$4,000, and at  
8 the same time are going to have to match a significant  
9 amount of that as part of receiving that grant. So  
10 regionalization is a big issue, and we would like to see  
11 that continue in future Waste Tire Grants, the ability to  
12 link up several counties or jurisdictions to get a larger  
13 size grant.

14           And the other item which I touched on is the  
15 administrative expenses. And staff time and advertising  
16 are significant costs. But at the same time, they're also  
17 significant in determining the success of an event. And  
18 for Tehama County, we've had events where over one day  
19 we'll collect 4200 tires. Our record day, two-and-a-half  
20 years ago, we collected 10,000 tires in one day at three  
21 different sites. But you can't do that unless you spend a  
22 significant amount of money putting advertising in the  
23 newspapers, putting in flyers that people can carry  
24 around, making copies, posting them all over town,  
25 travelling, putting new announcements at the Farm Bureau.

1 And so it would be nice to see the Board continue to allow  
2 administrative expenses and publicity and education to  
3 count as part of the Tire Grant funding.

4 CHAIRPERSON MARIN: Alan, when this letter was  
5 presented to the Board or at least to the Chair, what  
6 happened? Do you know?

7 MR. ABS: I have here that in 1990 and 2000 and  
8 2001 that there was -- regionalization was limited. And  
9 so at that time with a couple of the counties, they were  
10 put in --- the ESJPA applied for funding on their behalf.  
11 But, in essence, over that time period had six different  
12 grants that they had to manage and administer and report  
13 on separately.

14 And then there was a phase where regionalization  
15 was allowed. And at that time the ESJPA applied for a  
16 grant for six counties and did one big grant application  
17 and then the intermittent and final reports which really  
18 does streamline the grant reporting process.

19 And so I think after his letter there was a  
20 significant increase in participation, which has remained  
21 today. And I would hate to see that participation go  
22 down, although there is -- we have a reserved money for  
23 rural counties and Indian reservations.

24 CHAIRPERSON MARIN: Mr. Lee, so is  
25 regionalization allowed or not allowed now in this

1 particular grant?

2           DEPUTY DIRECTOR LEE: Madam Chair, currently  
3 regionalization is not allowed. But, again, as Mr. Abs  
4 mentioned, we have been in discussions with he and other  
5 representatives of some of the rural areas, and we are  
6 prepared to support a regionalization proposal I'll have  
7 my staff speak to.

8           But I would like to take this opportunity to  
9 mention some other things with regards to that particular  
10 letter and some of the changes that have been implemented  
11 in a program to date. Number one, the program was  
12 historically undersubscribed, as it was a discussed in  
13 Mr. Hemminger's letter. Largely, that was due again to  
14 the requirement for the match, the dollar match for the  
15 program. As the Board may recall, we have been, you know,  
16 trying to kind of dial in that amount, you know, so we do  
17 not exceed the allocated amount that the Board has  
18 established for this particular program. Last year, we  
19 had no match, and we were oversubscribed.

20           What we propose this time again is not a dollar  
21 match requirement, per se. That's been eliminated. We  
22 are talking about having the applicants and grantees  
23 assume some of these administrative costs, which can be  
24 quite variable, and in discussions we've had with the  
25 Board and during the Five-Year Plan discussion and the

1 desire to become more cost effective and making sure that  
2 we are basically using the dollars, you know, to move  
3 tires, in essence. We felt that this was a reasonable  
4 imposition to place on the grantees in light of the other  
5 benefit the program brings.

6           So, again, with regards back to your initial  
7 question, Madam Chair, we would be prepared to support the  
8 regionalization concept. I'll ask Mitch and Diane  
9 Nordstrom to talk to you about what our specific proposal  
10 might be.

11           CHAIRPERSON MARIN: Well, let me ask one more  
12 question. Alan, if we were to allow regionalization,  
13 would you -- we want to be as fair as we can statewide,  
14 understanding the limitations of small rural counties. I  
15 mean, there is a tremendous support up here for the  
16 efforts that the rural counties have. At the same time,  
17 if we're going to make a requirement from everybody else  
18 to put some money on the advertising and education  
19 process, would you guys consider that? I mean, it will  
20 be -- it's not a matching, per se. But would that -- I  
21 mean, I see it as meeting you halfway.

22           MR. ABS: So your question is?

23           CHAIRPERSON MARIN: If we allow regionalization  
24 but we would still allow for -- would still require  
25 some -- the cost of advertising to come from you guys.

1           MR. ABS: I guess in concept the cost of  
2 advertising is one issue. But then you also have the cost  
3 of administering the programs and the cost of publicity or  
4 I guess of the education aspect. But really, the biggest  
5 cost would be the cost administering. And so in the case  
6 of a regionalized application, if the ESJPA were to submit  
7 an application on behalf of five or six counties, it would  
8 still require the counties to pay up front for the  
9 administration, which they may not be willing to do. And  
10 so I --

11           CHAIRPERSON MARIN: It defeats our purpose.  
12           What about the cost of administration?

13           DEPUTY DIRECTOR LEE: Madam Chair, if I may have  
14 either Mitch or Diane respond to the proposal to restrict  
15 payment for the administrative and P&E expenses.

16           WASTE TIRE DIVERSION MANAGER DELMAGE: Mitch  
17 Delmage of the Waste Tire Program.

18           As Jim said earlier, during the five-year  
19 planning process we wanted to focus dollars towards  
20 diverting tires. This was one way of doing that. And  
21 wherever we can, we've tried to tie the dollars directly  
22 to the diversion of tires. We have run this program in  
23 this fast by providing administrative costs, advertising  
24 costs, and whatever else. Wouldn't necessarily be opposed  
25 to doing that again. It would be business as unusual

1 generally. However, again, that would reduce the amount  
2 of funds that were available to actually divert tires.

3 MS. NORDSTROM: Well, in addition, we're  
4 eliminating the 25 percent match that we required before.  
5 So if their costs are less than 25 percent, it's actually  
6 easier on them, because they don't have to provide a 25  
7 percent match to do the program.

8 CHAIRPERSON MARIN: What do you say that about  
9 that?

10 MR. ABS: My only thought -- I can only relate  
11 that to the cost of the Tehama program. And one of the  
12 problems with putting that as a statewide or rural example  
13 is the fact that we do have Waste Tire Products only 20  
14 miles down the road. So our cost for having tires taken  
15 away is relatively low.

16 But I know in our last grant application we  
17 propose a program where it would cost us I believe \$1.56  
18 per tire for the entire grant. And I know it costs us  
19 about \$1 per tire right now to have the tires picked up  
20 and taken away in bulk. So essentially somewhere around  
21 40 or 50 percent of our Tire Grant is going to things  
22 other than collecting and disposing of tires. So although  
23 granted the requirements for the match have been removed,  
24 effectively it does require a match under a different  
25 name.

1           CHAIRPERSON MARIN: So I understand you want no  
2 match. That's very clear. But can we get some kind of --  
3 you know, we're now enabling the regionalization. You're  
4 going to be able to apply for a lot more money. And it  
5 seems to me that that in itself should be very helpful.

6           MR. ABS: And I guess time will tell. And we'll  
7 have to go through the next grant cycle and see how that  
8 would -- the counties actually felt about assuming those  
9 costs. I know, for instance, for Tehama, we're not quite  
10 sure that we're fully funded for post closure maintenance  
11 at the 30-year mark or beyond the 30-year mark. So the  
12 desire of some of our Board members to spend funds is  
13 limited in some cases. So that might apply for some of  
14 the other counties. And, of course, we always like to do  
15 grants that have a minimal amount of matching funds.

16          CHAIRPERSON MARIN: I know. I used to be an  
17 elected official. I just want the money. That's it.

18          MS. NORDSTROM: We're recommending one change to  
19 address the regionalization to increase the amount of the  
20 maximum grant award to \$75,000 for regional applicants or  
21 joint applicants.

22          CHAIRPERSON MARIN: That, to me, sounds very  
23 good. You get three for the price of one.

24          MR. ABS: And thank you for doing that. We'll do  
25 our best to get applicants in and try to make it a

1 success.

2 CHAIRPERSON MARIN: Okay. Thank you. I think  
3 that that's all we want. You know, if it needs to be  
4 revisited, maybe next time we'll give you 50,000, because  
5 it's going to be so good that -- I don't know. All we can  
6 do is try. And if things are not what we want, then we  
7 revisit them. Okay. But we really appreciate you being  
8 here.

9 MR. ABS: Thank you.

10 CHAIRPERSON MARIN: Can you make that change on  
11 the Resolution?

12 MS. NORDSTROM: We'll add it to the first be it  
13 further resolved paragraph. And we'll just put, "or a  
14 maximum of \$75,000 for a joint applicant."

15 CHAIRPERSON MARIN: Okay. Is that okay with  
16 everybody?

17 WASTE TIRE DIVERSION MANAGER DELMAGE: I just  
18 want to make it clear on the joint application it would be  
19 25,000 per jurisdiction up to 75. So if just two come in,  
20 it's only 50,000.

21 CHAIRPERSON MARIN: Is that your understanding,  
22 Alan?

23 MR. ABS: So as an example, let me run by one  
24 example. If there were five counties, the maximum would  
25 be 75. But if there were three counties, the maximum

1 would be 75, but 75 is the cap.

2 WASTE TIRE DIVERSION MANAGER DELMAGE: But if  
3 there was two, it would be 50.

4 MS. NORDSTROM: So it's never going to be more  
5 than 25,000 per applicant or jurisdiction.

6 CHAIRPERSON MARIN: So if five counties came,  
7 there still would be a maximum of 75. So the  
8 encouragement is really to have two or three. But if only  
9 two came or if one only came, then it's 25.

10 MR. ABS: I think that would work. And in the  
11 past, we're talking really about the small counties that  
12 wouldn't be able to come up with 25,000 if they tried  
13 under the way the grant is written. So these would be  
14 five or six counties that might only individually be able  
15 to get 10,000, \$12,000.

16 CHAIRPERSON MARIN: Exactly. So that would be  
17 plenty.

18 Okay. All right. With that, is there a motion?

19 BOARD MEMBER PEACE: It sounds totally reasonable  
20 to me. With that, I'd like to move Resolution 2005-283  
21 Revised with the addition of the joint applicant  
22 provision.

23 BOARD MEMBER WASHINGTON: Second.

24 CHAIRPERSON MARIN: Moved by Ms. Peace and  
25 seconded by Mr. Washington.

1           Call the roll please.

2           EXECUTIVE ASSISTANT BAKULICH:   Mulé?

3           BOARD MEMBER MULÉ:   Aye.

4           EXECUTIVE ASSISTANT BAKULICH:   Peace?

5           BOARD MEMBER PEACE:   Aye.

6           EXECUTIVE ASSISTANT BAKULICH:   Washington?

7           BOARD MEMBER WASHINGTON:   Aye.

8           EXECUTIVE ASSISTANT BAKULICH:   Marin?

9           CHAIRPERSON MARIN:   Aye.

10          Okay.  Let's see.  We have a couple of things,

11 but I think somebody is dying for a small break.  So we're

12 going to take a five-minute break, and we will return.

13          (Thereupon a recess was taken.)

14          CHAIRPERSON MARIN:   We're going to start.  Are

15 there any ex partes, Ms. Peace?

16          BOARD MEMBER PEACE:   No.

17          CHAIRPERSON MARIN:   Ms. Mulé?

18          BOARD MEMBER MULÉ:   I'm up to date.

19          CHAIRPERSON MARIN:   Mr. Washington?

20          BOARD MEMBER WASHINGTON:   I'm up to date.

21          CHAIRPERSON MARIN:   Good to go.

22          Next item will be Item Number 25.

23          DEPUTY DIRECTOR LEE:   Thank you, Madam Chair.

24 Board Item 25 is an Update on the Waste Tire Enforcement

25 Program.  This item is a response to questions and

1 comments received from the Board during the five-year plan  
2 revision discussion a few months ago. Specifically,  
3 questions were raised about how the enforcement process  
4 works and the nature and effectiveness of our various  
5 enforcement tools.

6           The presentation this morning will be a  
7 collaborative effort by our Program, Legal, and Admin  
8 Divisions, a reflection of our actual close working  
9 relationship on enforcement as well as all other issues.  
10 Together with our local jurisdiction partners, primarily  
11 LEAs who compliment our staff and enforce tire regulations  
12 on our behalf, and other government agency partners such  
13 as CalEPA, ARB, and the CDAA, we work together to minimize  
14 the illegal disposal, hauling, and storage of waste tires.  
15 Georgiane Turner and other Legal Office and Administration  
16 Division staff who she will introduce will make the  
17 remainder of the staff presentation.

18           CHAIRPERSON MARIN: Go for it.

19           (Thereupon an overhead presentation was  
20 presented as follows.)

21           SUPERVISOR TURNER: Good morning, and thank you  
22 for the enthusiasm. This particular topic is not exactly  
23 exciting.

24           CHAIRPERSON MARIN: I bet you some people will  
25 disagree with that. This is very exciting.

1           SUPERVISOR TURNER: Thank you, Jim. As he  
2 mentioned, my name is Georgianne Turner, and I work with  
3 the Tire Enforcement Program up in the Northern California  
4 section. And along with me today is Wendy Breckon from  
5 our Legal Office and --

6           CHAIRPERSON MARIN: We don't like her anymore.

7           SUPERVISOR TURNER: No. We don't either. She's  
8 a trader. Anyway, we'll go into that later. Helen  
9 Carriker is also going to be presenting today from the  
10 Accounting Office. And we're going to hopefully keep this  
11 brief and stimulating and informative --

12          BOARD MEMBER WASHINGTON: What does that mean?  
13 We're going to give Wendy a little time because she's  
14 leaving. We'll give her about three minutes.

15                               --o0o--

16          SUPERVISOR TURNER: The program basically, you  
17 know, discovers the violators out in the field. And when  
18 we're not successful through education and prodding, then  
19 we really depend on the Legal Office to turn up the heat.  
20 And generally that's in the fines or penalties. And  
21 that's when our county office becomes very crucial to us.  
22 They help us on the collections process. And one of the  
23 real unique things about our program is that we really  
24 have to work, the three of us, three different groups have  
25 to work together to make it work and be whole. Once we

1 get an administrative decision, we can't stop there.  
2 We've got to have the county office try collect the bill  
3 and then field staff going back out and verifying that  
4 decision is being carried out.

5 --o0o--

6 SUPERVISOR TURNER: Our primary goal, as you all  
7 know, is to have all the facilities comply with the law.  
8 And the primary reason for this is to protect the public  
9 health and safety. And we really also want to stimulate  
10 markets and have a fair playing field out there. So  
11 that's another very important part of our goal. And the  
12 only way we can do that is having consistent and effective  
13 enforcement.

14 We also want to send a strong message to our  
15 regulated community to deter future violators. We don't  
16 want to send the message out there they can do this.

17 --o0o--

18 SUPERVISOR TURNER: We have several different  
19 arms of our program, which I think I'm kind of proud of,  
20 in the Tire Program. We have lot of different ways of  
21 getting the same thing. We do this through having a  
22 permit for facilities, a hauler registration for haulers.  
23 And, of course, the primary reason or the way we find out  
24 about violations is usually through routine inspections.  
25 But we also can find out through complaints and

1 investigating those through surveillance and through our  
2 manifest system.

3 --o0o--

4 SUPERVISOR TURNER: I want to just kind of let  
5 you guys know who our partners are. We deal with a lot of  
6 different people at the Program level. We have 39 waste  
7 tire enforcement grantees, and they really do the bulk of  
8 the work. They do our initial inspection. They do a lot  
9 of surveillance out in the field. And they issue our  
10 first line of informal enforcement which is the Notice of  
11 Violation. They do a lot of great work for us.

12 There's also two sections of the Tire Enforcement  
13 Program. There's one up here in Northern California, and  
14 also one in Southern California with Lillian Conroe as the  
15 Supervisor down there. And our field staff fill in.  
16 Where we don't have grantees, they do what they do, that  
17 initial inspection surveillance activity. And where we do  
18 have grantees, they assist the grantees, they train them.  
19 And they also take over the enforcement cases after the  
20 Notice of Violations stage.

21 We also have Keith's section, which is the Waste  
22 Tire Hauler and Manifest Section. And he's responsible to  
23 register waste tire haulers, manage the manifest system,  
24 and conduct the enforcement cases on illegal haulers.

25 --o0o--

1           SUPERVISOR TURNER: The informal process is  
2 pretty simple really. We go out. We do an inspection.  
3 We find a violation. And this becomes our inspection --  
4 our philosophy is this is an opportunity for us to educate  
5 the regulated community on what the regulations are and to  
6 try to work with them to get compliance.

7           And so we issue them an informal Notice of  
8 Violation with a date to comply and then do a  
9 re-inspection to see if they're coming into compliance.  
10 And if they give us a good faith effort, they're really  
11 trying to work with us, we usually extend that first  
12 order, Notice of Violation order.

13           However, if we don't get compliance at that  
14 level, we step it up to a Cleanup and Abatement Order  
15 where we actually use a process server. We have  
16 documentation that the property owner and the operator  
17 have gotten a notice that they need to change the way  
18 they're operating. And we have had a lot of success on  
19 this lower end of enforcement last year. This last fiscal  
20 year, we issued almost 560 Notice of Violations. And we  
21 only had to issue twelve Cleanup and Abatement Orders,  
22 which I think says a lot for our whole program.

23                               --o0o--

24           SUPERVISOR TURNER: After the Cleanup and  
25 Abatement Order level, we have several different options.

1 And Wendy is going to go into that a little bit further.  
2 One option is if the property owner is willing to work  
3 with us, they don't have the money, we have the ability to  
4 do a Board-managed cleanup and clean up their property.  
5 And we won't seek penalties.

6 If they're not cooperative, we'll continue on the  
7 penalties route. And also depending on if they're repeat  
8 violators or other situations, that Wendy will talk about  
9 a little bit more, we may refer the case to the DA or AG.

10 --o0o--

11 SUPERVISOR TURNER: I just want to mention here  
12 briefly our waste tire hauler enforcement process is  
13 slightly different. Because we're not cleaning up any  
14 tires, we don't do the cleanup and abatement order stage.  
15 And because it is a violation of the vehicle code to haul  
16 tires without a registration, we have another tool in that  
17 with -- for the waste tire hauler enforcement process.  
18 And that allows the CHP to issue a warning or a ticket.

19 --o0o--

20 SUPERVISOR TURNER: This just kind of expresses  
21 the growth of the program over the last three or four  
22 years. We have gone from having eight grantees in the  
23 state to 39 in the last four years. And this has really  
24 increased our inspections from about 250 inspections about  
25 four years ago to almost 8,000 this year. So we're

1 really -- the program is really growing fast, and we're  
2 starting to really see a lot of the benefits of that.

3 And with that, I would like to --

4 --o0o--

5 SUPERVISOR TURNER: -- introduce Wendy Breckon.

6 And I'm very sad that she's going to be leaving us. We  
7 have really built up a wonderful working relationship, and  
8 I'm going to miss that.

9 So goodbye, Wendy, and we will never forgive you.

10 STAFF COUNSEL BRECKON: Thank you, George. Good  
11 morning. Wendy Breckon with the Legal Office.

12 I'd also like to thank George and the Waste Tire  
13 Enforcement staff because, for the record, they've been  
14 very hard working and very dedicated and really deserve  
15 praise. It's also an integrated effort, as George said,  
16 between the northern sectors, southern sectors, the  
17 manifest program, and the LEAs. And everybody really  
18 deserves that praise. Also would like to thank the Board  
19 for supporting our enforcement efforts to date.

20 --o0o--

21 STAFF COUNSEL BRECKON: These are the reasons in  
22 this slide why the waste tire cases are referred to Legal.  
23 Basically Legal receives referrals when informal  
24 enforcement is not resulting in compliance or there are  
25 other issues in the case, such as an inability to get

1 access or inability to find who the property owner is. So  
2 once these issues are taken care of, then we can go ahead  
3 and issue Cleanup and Abatement Orders.

4 --o0o--

5 STAFF COUNSEL BRECKON: Here's what the Waste  
6 Tire Enforcement Program asks the Legal Office to do. As  
7 can you see, the Legal Office is involved in cases early  
8 on from the Cleanup and Abatement Orders to the  
9 administrative complaints. Cases arise because of illegal  
10 hauler or tire storage violations. We issue  
11 administrative complaints, and then the cases can be  
12 resolved by negotiating.

13 After an administrative decision is issued, the  
14 Legal Office is responsible for converting the  
15 administrative decision to superior court judgment. After  
16 that's done, it's possible to get a lien on either  
17 personal property, which is equipment or real property.

18 In addition, there are other ways a judgment can  
19 be enforced, which will be discussed later. Legal also  
20 refers cases to district attorneys and the attorney  
21 general for criminal or civil enforcement. In addition,  
22 Legal provides advice on regulation packages such as the  
23 recently approved comprehensive trip log regs.

24 --o0o--

25 STAFF COUNSEL BRECKON: Here's our toolbox. I'm

1 going to explain some of the tools that the Legal Office  
2 uses.

3 --o0o--

4 STAFF COUNSEL BRECKON: Inspection warrants are  
5 one of the tools that we have. For those cases where  
6 inspectors cannot inspect because they can't attain site  
7 access because either the property is fenced and you have  
8 uncooperative owners or there's no trespassing signs, we  
9 can obtain an inspection warrant by going to Superior  
10 Court and requesting one from the judge. We can get  
11 access to the property for inspection, or we can get  
12 access for purposes of clean up. This is possible if --  
13 it's impossible to ascertain who the owner is, we can get  
14 cleanup. Or if we've already obtained a Cleanup and  
15 Abatement Order and administrative penalties, then we can  
16 do clean up through an inspection warrant.

17 In addition, an example of this where we've used  
18 an inspection warrant for clean up is the Murphy case in  
19 L.A. County where the owner actually died. There was no  
20 probate or will. So the property was in limbo. We were  
21 able to use an inspection warrant to get on the property,  
22 have the CHP clear out the squatters, get our remediation  
23 crews in so it could be cleaned up.

24 --o0o--

25 STAFF COUNSEL BRECKON: Another tool the Legal

1 Office has is the CIWMB enforcement protocol. The history  
2 of this protocol is that it was developed in conjunction  
3 with CalEPA in response to CalEPA quarterly meetings where  
4 between prosecutors and Boards and Departments within  
5 CalEPA. The DAs basically want communication early on in  
6 a case so they can develop a criminal case before the  
7 evidence becomes stale. So part of our effort was all the  
8 Boards and Departments within CalEPA have created this  
9 protocol.

10 This is the slide for the administrative  
11 enforcement protocol. Basically, we use administrative  
12 enforcement in most of our cases where the cases can't be  
13 resolved by informal enforcement. Administrative  
14 enforcement means that we take the case to an  
15 administrative hearing, which is less costly and a more  
16 efficient remedy than going to Superior Court in civil or  
17 criminal cases. And this method does resolve most of our  
18 cases. Through administrative enforcement we can obtain  
19 penalties or revocation of permits or hauler revocations.  
20 Also these cases can be settled so we can obtain  
21 stipulations for cleanup of a site so we can ensure  
22 compliance into the future.

23 --o0o--

24 STAFF COUNSEL BRECKON: So when is a civil  
25 enforcement used? It's basically the next level of

1 enforcement. It involves a lawsuit to Superior Court.  
2 And the attorney general or the district attorney can file  
3 suit under our waste tire storage laws which can obtain up  
4 to a 25,000 per day per violation. Whereas, for  
5 administrative hearings, we can obtain only up to 5,000  
6 per day per violation, which actually ends up being  
7 significant enough for most of our cases.

8           If they prefer, they can file under Business and  
9 Professions Code 17200, which is the unfair business  
10 statute. And virtually any violation of law can be  
11 bootstrapped into an unfair business practice, and  
12 penalties can be obtained.

13           Also, the attorney general can file lawsuits for  
14 cost recovery if necessary. An example of using civil  
15 enforcement would be in our Westly tire fire or Tracy tire  
16 fire cases where there was other media such as Toxics  
17 involved. And injunctive relief can be used to enforce  
18 cleanup. As well, cost recovery can be obtained.

19           Another good reason to go civil is that there are  
20 multiple jurisdictions involved. For example, if we had a  
21 state or national tire dealer that was violating our laws,  
22 we could, you know, go against them in civil court.

23                               --o0o--

24           STAFF COUNSEL BRECKON: The last level of our  
25 protocol is criminal enforcement. This is for the most

1 egregious actions where you want to have the threat of  
2 jail time imposed. Our waste tire storage violations are  
3 misdemeanors, and that would be according to the Public  
4 Resources Code. And we can also use Penal Code general  
5 dumping laws. While most of our cases don't result in  
6 actual jail time, the threat of jail through probation can  
7 be enough to ensure compliance into the future.

8           For example, the Circuit Prosecutor's Project,  
9 the California District Attorney's Association obtained a  
10 criminal conviction against a hauler who had actually  
11 dumped tires on U.S. Forest Service land as well as other  
12 state lands, and they had worked with the locals to pursue  
13 the investigation of the case and then obtained the  
14 conviction.

15                               --o0o--

16           STAFF COUNSEL BRECKON: Going back to the  
17 administrative enforcement for a more thorough explanation  
18 of how it works, this is the hearing process in a  
19 nutshell. You know, basically we're filing a complaint  
20 with the Office of Administrative Hearings. We're setting  
21 the date for hearing. We're providing documents or asking  
22 for them. We go to the hearing and prosecute the case.  
23 There's witnesses at the hearing that are cross-examined.

24           The judge issues a decision for tire storage  
25 cases. He issues the final decision. He or she issues

1 the final decision for all other cases. The judge would  
2 issue a proposed decision, and the Board would have the  
3 ability to approve or not approve that decision. So that  
4 would be for our hauler penalty cases.

5 Also note that the rules of evidences are  
6 basically the same. The rules of court are basically the  
7 same in administrative hearings, but they're slightly more  
8 relaxed than Superior Court hearings.

9 --o0o--

10 STAFF COUNSEL BRECKON: Some cases can be settled  
11 before going to hearing. And here's the settlement  
12 process in a nutshell. The program and the violator agree  
13 to terms of a stipulation. And if the Board approves of  
14 that stipulation, the decision is issued. If the  
15 stipulation is violated, then more penalties or revocation  
16 of a permit, for example, can be imposed. We can  
17 basically structure the stipulated settlement so there's  
18 an incentive for the violator to perform certain actions,  
19 such as cleanup. The goal, as George points out, is  
20 compliance.

21 --o0o--

22 STAFF COUNSEL BRECKON: How do we create  
23 enforceable administrative decisions? After a decision  
24 for penalty has been issued, as I mentioned before, and  
25 payment is not made, we have the authority to turn that

1 decision into a Superior Court judgment. We can obtain  
2 liens or we can go to the attorney general and obtain a  
3 Writ of Execution to enforce the sale of a home. We can  
4 obtain wage assignments, et cetera, any way that you can  
5 normally enforce civil judgments.

6 --o0o--

7 STAFF COUNSEL BRECKON: Here's our summary of  
8 cases that we've handled in the last couple of years. As  
9 can you see, Legal has prosecuted a few more cases in the  
10 last calendar year, and there are several reasons for  
11 this. We did start enforcement of the manifest cases and  
12 the unregistered haulers cases. We've increased cases due  
13 to more referrals from LEAs. Also I think Board support  
14 in the CalEPA enforcement initiative has had some impact  
15 to create a more pro-enforcement environment. Although  
16 the amount of penalties in 2005 seems to have increased  
17 dramatically, that doesn't necessarily mean that will  
18 continue to increase as the years progress, because in a  
19 number of cases there would have been lesser penalties had  
20 the violator not violated the stipulation again and had  
21 more penalties imposed.

22 --o0o--

23 STAFF COUNSEL BRECKON: This is a quick review of  
24 recent tools that we've come up with in the Legal Office  
25 in the last couple of years. We've created a Tire

1 Procedures Manual to sort of document what the steps are  
2 for the attorney and the paralegal working on these cases.  
3 We've been working with the Accounting Office to  
4 streamline collection procedures and work out strategies  
5 for how to enforce judgments.

6 In response to a threat to some of the  
7 inspectors, we've created workplace violence prevention  
8 procedures to protect the staff. We, as I said before,  
9 are starting enforcement of manifest violations. And in  
10 the last few years, we've had an agreement with California  
11 District Attorneys' Association, which they have worked on  
12 and prosecuted a number of cases.

13 --o0o--

14 STAFF COUNSEL BRECKON: We have also been  
15 coordinating or collaborating with CalePA -- with a CalePA  
16 enforcement initiative. We've been working with CalePA on  
17 a number of fronts. Legal Office has attended state  
18 strike force meetings and quarterly prosecutor meetings.  
19 We've also been involved in task force meetings.  
20 Inspectors have attended a number of task force meetings  
21 when issues arise. There's also been coordination between  
22 the inspectors and CUPAs.

23 There's been a number of training sessions for  
24 search warrants, criminal investigations, cross training  
25 and other boards and department issues both at the CalePA

1 symposium and at the basic inspector academy. I've also  
2 lectured at the CDAA Conference and the Waste Tire  
3 Conference.

4 Are there any questions so far? No.

5 Well, then I'd like to turn the presentation over  
6 to Helen Carriker of the Financial Assistance Branch whose  
7 support of the program is indispensable.

8 CHAIRPERSON MARIN: Thank you. Thank you and  
9 goodbye.

10 BRANCH MANAGER CARRIKER: Good afternoon, Madam  
11 Chair and Board members. I'm Helen Carriker, the Manager  
12 of the Financial Assistance Branch. I'm here to talk to  
13 you about the accounts receivable process of this whole  
14 system, the Tire Enforcement Program. After the Tire  
15 Enforcement Program --

16 --o0o--

17 BRANCH MANAGER CARRIKER: -- has identified a  
18 violator and Legal has decided the amount of penalties,  
19 then the Accounting Office gets involved. Sometimes we're  
20 fortunate and the violator hands us a check right up front  
21 and we're able to close the case no problem. That doesn't  
22 usually happen. But sometimes it does.

23 If it doesn't happen, then we are sending them an  
24 invoice, and we put them into our database and we track  
25 their payments to see whether or not they we have been

1 making their payments. Once the payment has been  
2 received, we clear the accounts receivable.

3 --o0o--

4 BRANCH MANAGER CARRIKER: If they have not sent  
5 us payment after 30 days of the invoice, we will send them  
6 a collection letter that basically says a reminder, please  
7 make your payment. If after 60 days from the date of the  
8 invoice they still haven't made payment, we'll send them  
9 another letter with a little bit stronger language to make  
10 the payments. After 90 days, we have an even stronger  
11 letter that's sent to them that's actually signed by our  
12 Legal Office basically saying that collection efforts will  
13 be utilized if payment is not made.

14 --o0o--

15 BRANCH MANAGER CARRIKER: One of the programs  
16 that we're involved in right now is the Franchise Tax  
17 Board Intercept Collection Program. This program is for  
18 individuals. We can't use it on corporations, and we also  
19 must have a Social Security number. We have had a little  
20 bit of difficulty obtaining Social Security numbers,  
21 because when they go out to find the violators, the  
22 Social Security number is not something at this point in  
23 time is collected. So we have to try to do some research  
24 to get Social Security numbers. And with different fraud  
25 and things, people don't necessarily want to give you

1 their Social Security numbers up front.

2 With this program, the Franchise Tax Board, if  
3 money is due to the violator like an income tax refund, we  
4 can get that from them. Or if money is due to them from  
5 lottery winnings, we can also get that. So that's a  
6 program we're involved in.

7 --o0o--

8 BRANCH MANAGER CARRIKER: Another thing that we  
9 can do is we work with the Legal Office to take them --  
10 for small debts under \$5,000 take them to Small Claims  
11 Court. And larger debts are referred to the State  
12 Attorney General's Office.

13 --o0o--

14 BRANCH MANAGER CARRIKER: One of the final things  
15 we do with the debtor is refer them to a collection  
16 agency. A lot of times if there's some of the tire  
17 haulers we don't necessarily know where they're located,  
18 so we have to locate where they're at, because the address  
19 we obtained up front isn't necessarily the correct  
20 address, and also looking for Social Security numbers.  
21 And the collection agency also reports to the credit  
22 company and does asset searches for us.

23 --o0o--

24 BRANCH MANAGER CARRIKER: For the Tire  
25 Enforcement Program, the moneys collected to date has been

1 \$7.4 million. Now, understand that \$6.7 million of that  
2 is from the Westly tire settlement. But from all other  
3 amounts collected, we have collected \$700,000 for the Tire  
4 Enforcement Program.

5 I see a question there.

6 BOARD MEMBER WASHINGTON: I'm just thinking in  
7 terms of how Madam Chair would -- how would we measure  
8 that in terms if that's good or bad?

9 BOARD MEMBER MULÉ: It's \$700,000 out of how  
10 much? How much debt is out there?

11 BRANCH MANAGER CARRIKER: Next slide I'll show  
12 you. The outstanding invoices at this time is 1.73  
13 million that has actually been invoiced. Understand,  
14 though, not in that total is 7 million for the Tracy tire  
15 fire. They're working with the AG's office on that, and  
16 we've kept that separate because it's such a large amount.  
17 Of that 1.73 million, 907,000 is actually liened. We have  
18 liens on that property.

19 We have deemed \$304,000 uncollectible. That's  
20 basically three cases. One case is a corporation which is  
21 no longer in existence. We sent them to the AG's office  
22 for collection, and AG's office said there was no reason  
23 to continue to go after them because we were so far down  
24 on the list of liens, that to try to go after them, you  
25 know, would not be possible. Two of the other cases the

1 people have died. We are trying to work with the State  
2 Controller's Office. The State of California, when you  
3 write off an account --

4 CHAIRPERSON MARIN: Can't go after them once  
5 they're dead.

6 BRANCH MANAGER CARRIKER: They try to go after  
7 the estate, but sometimes there's nothing in the estate.

8 But we have tried to write them off by -- we have  
9 to get approval from the State Controller's Office to do  
10 that.

11 In process right now is \$522,000 of other  
12 invoices that are different levels of the process, whether  
13 it be at the 30, 60, 90 level, or it could also be at  
14 the -- you know, us looking for addresses and  
15 Social Security numbers, et cetera.

16 So with that, Jim Lee.

17 DEPUTY DIRECTOR LEE: Madam Chair, that concludes  
18 our presentation. We appreciate your indulgence with  
19 this. This is a complex process, as you can see, a number  
20 of working parts, if you will. A lot of players in this  
21 to move us toward our goal of enforcing, you know, the  
22 Board's tire regulations.

23 CHAIRPERSON MARIN: I appreciate it, Jim. You  
24 have an incredible staff, and we really appreciate the  
25 whole group of people that is involved in this effort.

1 Everybody from the inspectors to the collectors and even  
2 the work of the Attorney General's Office. So I know it's  
3 a lot of work. And oftentimes we feel that nobody cares  
4 about what you do. We do. We care deeply. And we thank  
5 you for all of your efforts.

6 We don't like Wendy, though. We don't like her  
7 anymore. We used to like her. But we don't like her  
8 anymore. I guess we'll like her until tomorrow. Okay.

9 BOARD MEMBER WASHINGTON: Madam Chair, let me  
10 attach myself to your comments, and I do, too, want to  
11 say --

12 CHAIRPERSON MARIN: You don't like her either.

13 BOARD MEMBER WASHINGTON: We don't like Wendy.

14 No. I want to say that I, too, appreciate the  
15 teamwork. And this is certainly clear cut for the public,  
16 those who are listening in, to really understand. They  
17 can't see the Power Point, but they can hear what you're  
18 saying. I think it's very clear in terms of a process of  
19 how we try to resolve these issues. And I really do  
20 appreciate the opportunity here to hear the staff and the  
21 teamwork you guys have put together to get to the bottom  
22 line and try to recover for some of these, you know,  
23 programs. So thank you very much.

24 CHAIRPERSON MARIN: Okay. Ms. Mulé.

25 BOARD MEMBER MULÉ: Thank you, Madam Chair.

1 I just want to thank you for a great  
2 presentation. Very, very interesting. And I just have a  
3 couple questions. On the collection, when you send out  
4 the 30 day and the 60 day and the 90 day notice, are they  
5 sent out via certified mail or --

6 BRANCH MANAGER CARRIKER: We used to send them  
7 out certified mail. And we have problems with them  
8 accepting them. They'd see it was certified mail so they  
9 would deny it. In talking to our Legal staff, they said  
10 we could send it sort of certified. We basically say that  
11 it's been mailed to them. It's not an official  
12 certification.

13 BOARD MEMBER WASHINGTON: After 30 days you're  
14 going to have to send it out with the CHP.

15 BRANCH MANAGER CARRIKER: It's called proof of  
16 service.

17 BOARD MEMBER MULÉ: So we have some documentation  
18 on them receiving the letters?

19 BRANCH MANAGER CARRIKER: And we did have  
20 problems with them rejecting it, and we thought we had the  
21 wrong addresses.

22 CHAIRPERSON MARIN: We should send it via Fed Ex.

23 BOARD MEMBER WASHINGTON: No. Send it via CHP.

24 BOARD MEMBER MULÉ: Another question I have is --  
25 I guess I don't know -- well, this is a question for both

1 Jim and Howard. How do you interface with the P&E folks  
2 on enforcement issues? Because as we all know, many of  
3 these sites that were, in terms of tire piles, we know  
4 it's not just tires. We know it's usually tires mixed  
5 with other types of trash. So just wondering how you  
6 interface with P&E.

7 DEPUTY DIRECTOR LEE: I think you have it there  
8 in a nutshell, Ms. Mulé. You know, basically if we get  
9 into a situation and it's predominantly tires, that's  
10 generally in our bailing wick. And the P&E staff knows to  
11 consult with us and vice versa. If we're in a mixed waste  
12 situation that might be more appropriate for handling  
13 through the regular LEA program or there might be even a  
14 grant presentation potentially through 2136 -- I mean a  
15 cleanup consideration through 2136, then we involve  
16 Howard. I'll let Howard fill it in from there.

17 DEPUTY DIRECTOR LEVENSON: I don't see anything  
18 really to add to that. Jim's correct. We have internal  
19 communication where we're going back and forth and try to  
20 bring people up to speed on any particular site.

21 CHAIRPERSON MARIN: Ms. Peace.

22 BOARD MEMBER PEACE: Thank you, again the whole  
23 Tire staff. It's great to see you all work together, and  
24 it's actually working.

25 But, Georgianne, you mentioned we have 39

1 grantees. How many would we ideally like to have?

2           SUPERVISOR TURNER: Well, I'd like the whole  
3 state to have grantees, because then my staff could do  
4 something else. But, you know, I think -- the one thing  
5 that I think is good about the grantee program is the  
6 people who we have in the program want to be in the  
7 program. And so they're motivated to do the work that we  
8 want them to do, and so I think there's a balancing on  
9 that. And, you know, not every jurisdiction, every county  
10 can afford either the personnel or have the number of  
11 problems that other jurisdictions do.

12           So I think realistically it's probably not  
13 realistic to say we're ever going to have 58 grantees.  
14 But we're continuing every year to target those  
15 jurisdictions that we know that there's a tire problem in  
16 their area and we are seeking their help. And so now our  
17 effort has been targeting these certain jurisdictions that  
18 we really want to get in the program.

19           And I know I've talked to Ms. Mulé about  
20 Riverside. And again, you know, this year I called and,  
21 you know, did the whole thing. And they've got some  
22 personnel issues and some other things that they are just  
23 not ready to accept the program.

24           But there are a couple other jurisdictions that  
25 we hope to get in this year, and it's going to be a little

1 slower, because we have such a big bulk of them in now.  
2 Some of the places we're targeting are obviously the Bay  
3 Area, Southern California, and the Central Valley, because  
4 we know those are where the problems are. But, you know,  
5 if you know of certain areas that you know there's a  
6 problem and you want to target, please let us know. And  
7 we'll do everything we can on our level to promote the  
8 program.

9 BOARD MEMBER PEACE: When do the Tire Enforcement  
10 NOFAs go out again?

11 SUPERVISOR TURNER: They go out probably the end  
12 of October, and they'll be due in January again. Similar  
13 schedule as last year.

14 BOARD MEMBER PEACE: I know it was brought up in  
15 terms of streamlining and making everything easier and  
16 more attractive to grantees. I know we discussed maybe  
17 making this grant program a two-year program. Have you  
18 had any more discussions on that?

19 SUPERVISOR TURNER: We really haven't, because we  
20 offer -- we're actually one of the first programs that  
21 offer the five-year resolution. So they can do a  
22 five-year resolution for us, which is the bulk of the  
23 application process. The only thing we require in our  
24 application is, you know, who and a budget basically. So  
25 the process is pretty streamlined. And, you know, not

1 that we couldn't look at a multiple-year process, but  
2 right now it's been set up on a yearly basis so we can  
3 evaluate the program each year. Something we can look  
4 into. It's less work on my staff, so you know --

5 DEPUTY DIRECTOR LEE: We will take a look at  
6 that. Because, again, we appreciated the Board's  
7 consideration for the full \$6 million funding for this  
8 program and your expressions of support for again  
9 multiple-year funding. I think it's very necessary to  
10 maintain the integrity of the program to get some  
11 assurances to the local jurisdictions that we're going to  
12 be around a while and they can count on us and we can  
13 count on them for their services. So we will revisit this  
14 issue and see if there is some feasible way to propose  
15 that as an option for the Board's consideration.

16 SUPERVISOR TURNER: I think the biggest issue for  
17 us is the funding is every year. We get 6 million every  
18 year, so we have to deal with that.

19 BOARD MEMBER PEACE: Thank you.

20 CHAIRPERSON MARIN: Thank you, Mr. Lee.

21 I think that about wraps it up for us, except  
22 that we have one more item.

23 BOARD MEMBER WASHINGTON: Madam Chair, just  
24 before you go to that next item, I forgot to add in my  
25 report I visited on Thursday the -- last Thursday, I

1 visited the L.A. office. And Georgianne is absolutely  
2 correct, the staff is just awesome. When I walked in,  
3 they were just so elated to see a Board member come in  
4 there. I thought I was going to get in and out in like 20  
5 minutes. I was there for like two hours. And they just  
6 talked about how excited they were working on programs  
7 down there and working with the different jurisdictions  
8 and how the local governments are coming under compliance  
9 and they're understanding them and they're asking  
10 questions. So the staff mentioned those guys talked  
11 about -- they like Mitch down there. I don't know what  
12 you did to those folks, but I did go visit with them and  
13 said hello to the staff.

14 CHAIRPERSON MARIN: Good. One of the things I  
15 was going to say -- and this is related to tires. But we  
16 have received a lot of very good feedback, and I thought  
17 maybe Jon was going to say something about the League of  
18 Cities regarding RAC and the display. And, you know,  
19 everybody knew.

20 And kudos, Mr. Jon Myers, because I understand  
21 that we had more traffic from council members and mayors  
22 at our booth. Maybe it had to do something with what we  
23 were giving away. But I understand that the level of  
24 awareness -- and I have actually received -- my office has  
25 received a few letters from people that received the RAC

1 letter saying this was great, that they were going to pass  
2 it out to their appropriate staff. They were really  
3 looking forward to getting some of these grants and so  
4 forth. Why don't you tell us the success that we had at  
5 the League of California Cities, Mr. Myers.

6 PUBLIC AFFAIRS OFFICE ASSISTANT DIRECTOR MYERS:

7 Actually, we will be coming back to the Board with a full  
8 briefing on where Ogilvy is with the entire contracts and  
9 where we're headed. That will include an update on the  
10 League of California Cities and the outreach that we did  
11 there. But we did have a tremendous response a lot better  
12 than we had anticipated. I think it was due to the  
13 candies we were handing out there.

14 CHAIRPERSON MARIN: It was not tires; right? We  
15 were not handing out tires.

16 PUBLIC AFFAIRS OFFICE ASSISTANT DIRECTOR MYERS:

17 We weren't handing out free tires. But we did get a  
18 really good response and a lot of positive feedback. It  
19 helped show us exactly -- and that's what the whole  
20 measure was about, was to show us what we need to do,  
21 where we need to go, what questions we need to answer for  
22 the local jurisdictions. And it provided us a lot of  
23 feedback to do that.

24 CHAIRPERSON MARIN: Good. Well, I have received  
25 very good feedback. And I wanted to thank you for

1 pitching in for me. I really appreciate that.

2 BOARD MEMBER MULÉ: It was my pleasure.

3 But I want to echo Jon's comments. I mean, the  
4 feedback, there were cities and councilmen and mayors  
5 coming up to me saying, "We got that letter from Rosario."  
6 And they were very, very interested. These are  
7 jurisdictions, some of them have never used RAC. Others  
8 have used it in the past but, you know, just kind of fell  
9 off the radar screen. And so there is a lot of renewed  
10 interest in the use of RAC. And, again, I want to thank  
11 Jon and staff, Chris, being out there. I was at the  
12 booth. And I was watching -- our survey takers were doing  
13 a great job. And really, really was a very, very  
14 first-rate operation. And I'm very, very pleased.

15 PUBLIC AFFAIRS OFFICE ASSISTANT DIRECTOR MYERS:

16 And just to note, it wasn't just RAC. We had a lot of  
17 interest on the recycled aggregate and some of the compost  
18 and other things that were helped promoting. So really  
19 raised some awareness just in that short little League  
20 conference. So it will be exciting to see what comes  
21 forward out of it.

22 CHAIRPERSON MARIN: Excellent. Thank you. Thank  
23 you.

24 Okay. Ms. Mortensen. You're going to start with  
25 Assembly Bill 1.

1 ASSISTANT DIRECTOR MORTENSEN: Yes, I'm Carol  
2 Mortensen with the Legislative Affairs Office. And there  
3 was over 2,700 bills introduced. But I thought in the  
4 essence of time, I'd only go over the 175 that we actually  
5 crafted. So I hope that's okay.

6 CHAIRPERSON MARIN: No. I think you should go  
7 with AB 0001.

8 ASSISTANT DIRECTOR MORTENSEN: That is  
9 Assemblymember Baca. And that bill, however, did not move  
10 out of its first House of origin. Shall I continue or --

11 CHAIRPERSON MARIN: No. Why don't you go with  
12 what's really --

13 BOARD MEMBER WASHINGTON: How are you going to  
14 pick Baca out of the deal?

15 CHAIRPERSON MARIN: He was the first one.

16 ASSISTANT DIRECTOR MORTENSEN: If we have time at  
17 the end, we can go back to number two.

18 BOARD MEMBER WASHINGTON: That is great. Good  
19 job, Carol.

20 ASSISTANT DIRECTOR MORTENSEN: Seriously, we did  
21 track over 175 bills and analyzed about 60 of those and  
22 full analysis on those. We did end up with many, many,  
23 many two-year bills. So next year is going to be pretty  
24 exciting. But let me go over the bills of interest to us  
25 that were signed.

1           The first one which rolls in nicely to the  
2 discussion about rubberized asphalt concrete is that the  
3 Governor did sign Assemblymember Levine's Bill, AB 338,  
4 which mandates increasing minimum uses of rubberized  
5 asphalt concrete by Caltrans. So we are very excited  
6 about that. And we're hopeful that will be the nudge that  
7 we need is to make this a day-to-day occurrence for  
8 Caltrans and hopefully local governments.

9           The bill does have a mandate for us in it we're  
10 to work with Caltrans to develop standards for other uses  
11 of waste tires in civil engineering projects. So we'll be  
12 actively working with them and working on a positive  
13 relationship to show them all the benefits of waste tires  
14 and the work they do. So we're excited about that.

15           CHAIRPERSON MARIN: You know, Carroll, let me add,  
16 because I think this is really crucial. In all of our  
17 meetings with many, many jurisdictions, the very first  
18 question we asked them was were they were using RAC. And  
19 the answer was no. Their first question was, where is  
20 Caltrans on this? And so I think that this is going to go  
21 a long way, you know, for us with cities and counties,  
22 especially, to further the use of RAC. So I'm really  
23 grateful.

24           Actually, I should note, Terry, I should tell you  
25 that some of us actually were privy to what the Governor

1 was going to do, unlike your unreliable sources. He knows  
2 what I'm talking about.

3 Go ahead, Carroll.

4 ASSISTANT DIRECTOR MORTENSEN: So another bill  
5 that was signed was Assembly Bill 1125 by Assemblymember  
6 Pavley dealing with our Recycling Program for certain  
7 rechargeable batteries. This is going to set up a system  
8 similar to the cell phone bill from last year where  
9 retailers who sell these rechargeable batteries will have  
10 to have a system to take those back. So that should help  
11 a little bit with the universal waste issues coming up.  
12 But it doesn't deal with all batteries, just some  
13 rechargeables.

14 Also signed was AB 1249 which is a bill by  
15 Assemblymember Blakeslee that we were co-sponsoring with  
16 the State Fire Marshal's Office to kind of develop another  
17 set of parallel regs in the Fire Code dealing with tire  
18 fires. That should help with enforcement of those,  
19 getting the local fire guys out. Now the stuff's in their  
20 code so they can enforce it.

21 Also, which put us in the money, was AB 1721,  
22 which was the cleanup measure for Assemblymember Pavley  
23 from the Education and Environmental Initiative. Had some  
24 cleanup measures that we needed as well as the education  
25 folks needed. But more importantly, it released the \$3.5

1 million that we need to begin implementation of that. So  
2 we're rolling on that.

3           So also SB 743, which was the Chesbro bill, along  
4 with the rigid plastic packaging container program, that  
5 bill sets up a new compliance option for our RPPC product  
6 manufacturers which allows them to count plastic that is  
7 not necessarily going back into a regulated RPPC, but a  
8 non-regulated RPPC. It also brings container  
9 manufacturers into our enforcement fold and also gives  
10 credit for California resin.

11           The bill did have a significant drafting error,  
12 which was that first thing I mentioned about the plastic  
13 being counted in non-regulated RPPCs, and the intent of  
14 the author in the bill was to be to all plastics. So  
15 we've begun work with them on making those changes to make  
16 that bill successful.

17           Also, I brought this -- I believe this was signed  
18 last time we chatted. But for a reminder, I'm speaking of  
19 tires, was SB 772 by Senator Ducheny. This is the bill  
20 that would include as part of our Five-Year Tire Plan  
21 provisions for us to work closely with CalEPA and our  
22 neighbors in the border region to increase the oversight  
23 of tires from over there. Most of the stuff is already in  
24 our Five-Year Plan. But this codifies that to make sure  
25 that we continue to keep that very important program

1 rolling.

2           Also, which was a long hard-fought battle, was SB  
3 1106 was the Senate Environmental Quality Committee. This  
4 was a bill that is going to consolidate the codes for the  
5 State Agency Buy Recycled Campaign, which is a mandate on  
6 State agencies to buy recycled products. Finally got  
7 everything collaborated into the Public Contract Code.  
8 Got rid of old obsolete language, and everything is in a  
9 nice neat package. So it should be a lot easier for  
10 folks -- for other State agencies to understand what their  
11 requirements are. I know our staff is ready to jump on  
12 that and ride the wave and make sure people are  
13 understanding what the requirements are.

14           On bills that were vetoed, the one that was  
15 significant to us was AB 399 by Montaez. This was the  
16 bill that dealt with multi-family recycling and ways to  
17 encourage that. And while the Governor did veto the bill,  
18 it had a veto message that is directing us to ensure that  
19 we do have information up and available on our website to  
20 local governments and owners and operators of multi-family  
21 dwellings that would help them get recycling programs  
22 going. And while we do have some up, we'll be working  
23 with staff to make sure those are adequate and meet the  
24 demand for the veto message.

25           Again, like I said, not a lot of bills acted on

1 this year. A lot introduced. That means a lot of bills  
2 still out there to be worked on. And I really think kind  
3 of working with plastics is going to be definitely a high  
4 priority to try to get these plastic laws working.  
5 There's also the conversion technologies. It looks like  
6 the Assembly Natural Resources Committee is going to have  
7 their hearing on CTs on November 16th in the L.A. area.  
8 Time hasn't been set yet, and the agenda is not out yet.  
9 But as soon as we hear, we'll let you know. And also  
10 looks at, you know, improving our disposal reporting  
11 system and AB 939 compliance. So while we didn't have a  
12 lot of bills acted on this year, I still think the second  
13 year of this two-year session is going to be quite busy.  
14 So I'll be bringing updates to appropriate Committees and  
15 Board meetings as things get rolling again in January.

16 That's my update, unless you want to start with  
17 Assembly Bill Number 2. Are there any questions?

18 CHAIRPERSON MARIN: No.

19 Carroll, I just want to thank your staff. You  
20 know, having been in your shoes long ago in government,  
21 it's really amazing, because especially at the very, very  
22 end of the session. And I want to thank your staff. They  
23 put in very long hours at the very end and agencies making  
24 their requirements they be turned around really fast. I  
25 know your staff sometimes spends long nights here doing

1 that. And I think on behalf of the entire Board, we  
2 really appreciate that.

3 ASSISTANT DIRECTOR MORTENSEN: Thank you.

4 CHAIRPERSON MARIN: All right. Anything more?

5 BOARD MEMBER MULÉ: Madam Chair, I just want to  
6 follow up with a comment and to maybe just formalize with  
7 the agreement of the Board.

8 Carroll and I had a very -- and Ruthann, we had an  
9 interesting meeting yesterday talking about the next  
10 session already and upcoming issues. And one of the  
11 things that I've noticed is that -- and it's not  
12 necessarily the Board, but this whole solid waste area, we  
13 seem to react to legislative proposals that are put out by  
14 our State Assembly folks and Senators. And one of the  
15 things that I'd like to do, because I've done this before  
16 in other states, is to take a little bit more of a  
17 proactive approach.

18 And so Carroll -- we talked about maybe having  
19 some legislative priorities of the Board. And those  
20 obviously could be tied to our priorities that we  
21 developed back at our retreat back in January. And just  
22 go in and, you know, focus on those priority areas,  
23 whether it's, you know, working on these plastic issues,  
24 the conversion technology area and whatnot. And that way  
25 we can then go to the legislators and their staff and the

1 Committee staff in advance of the legislative session and  
2 say, here's what we'd like to do. Here's what we think we  
3 should focus on this year. And just move that whole  
4 agenda forward so that we're not reacting to certain bills  
5 that we think, gee, we've got to spend all this time on  
6 this, but it's really not a priority for us.

7 CHAIRPERSON MARIN: Let me ask you this. There  
8 is actually a process that we have to internally abide by.  
9 It has to be forwarded to EPA and goes to the Governor's  
10 office and so forth. When are their requests for  
11 legislative proposals due?

12 ASSISTANT DIRECTOR MORTENSEN: There's a  
13 two-phased process for that. There's always opportunities  
14 through bill analysis processes and other forms of  
15 communication to get approval from the Agency and the  
16 Governor's office to pursue different legislative avenues.  
17 While just focusing on the proposal due dates, there's  
18 other opportunities, because they realize, too, that  
19 things change quickly. And we may not have thought of  
20 something that we need to be working on. So there's  
21 different avenues to pursue that.

22 CHAIRPERSON MARIN: But I think that one of the  
23 things that I would like to see, and I'd like to do it  
24 with a time frame, because the job that we need to do is  
25 convince the Administration and through EPA this is

1 something really important. And we need to justify it.

2 And if we're going to be very proactive, maybe  
3 what we need to do is have a small meeting of the Board to  
4 decide along with our priorities -- what happens is that  
5 one is to propose legislation for something new and  
6 exciting. Another thing is to revise or adjust the  
7 legislation that is currently in place that needs some  
8 adjustment. And that's a different thing. You know,  
9 because we may actually just look for partners that seek  
10 that and we don't necessarily take the lead.

11 BOARD MEMBER MULÉ: That's exactly my point, is  
12 that we need in our mind as a Board to identify what our  
13 priorities are, whether it's new legislation or it's  
14 fixing something, an existing piece of legislation. But  
15 we need to sit down and identify what -- again, we came up  
16 with a quick list yesterday. But, again, as a Board, I  
17 think we formally need to sit down and go, what are our  
18 priorities for this legislative session?

19 CHAIRPERSON MARIN: Yeah.

20 ASSISTANT DIRECTOR MORTENSEN: I'd be happy to  
21 work with the Agency and Governor's Office and figure out  
22 what they're comfortable with. And we can bring that and  
23 see how that fits with our needs to make sure we get the  
24 work done that we need to get done to make our programs as  
25 successful as possible.

1           BOARD MEMBER MULÉ: And the Board. I think the  
2 Board needs to discuss what our priorities are, and then  
3 we can forward it to CalePA and the Governor and say  
4 here's our priorities for this year.

5           CHAIRPERSON MARIN: Isn't the time already  
6 kicking for legislative proposals from the Agency? No.

7           ASSISTANT DIRECTOR MORTENSEN: Well, we've got  
8 standing proposals with them, so on plastics and e-waste  
9 and so --

10          CHAIRPERSON MARIN: That's what I thought.

11          ASSISTANT DIRECTOR MORTENSEN: As far as new  
12 proposals, no.

13          CHAIRPERSON MARIN: Okay. Maybe what you're  
14 suggesting at the next Board meeting we have -- would this  
15 be considered a closed session item?

16          CHIEF COUNSEL CARTER: No. It wouldn't come  
17 under any of the exceptions to closed session. But you  
18 could create a Committee so they would be a working  
19 Committee reporting back to the full Board.

20          CHAIRPERSON MARIN: Can a Committee be of two?

21          CHIEF COUNSEL CARTER: Yes.

22          CHAIRPERSON MARIN: Okay.

23          ASSISTANT DIRECTOR MORTENSEN: What I can also do  
24 is see how our brethren at CalePA handle this issue. See  
25 if maybe there's some other options open to us that we

1 could accomplish this as well.

2 CHAIRPERSON MARIN: Okay. All right. Why don't  
3 you tell us that at the next Board meeting.

4 ASSISTANT DIRECTOR MORTENSEN: Absolutely. Be  
5 happy to.

6 CHAIRPERSON MARIN: All right. Anything else?  
7 Anybody else that has an absolute desire to address the  
8 Board on any particular issue? No.

9 There are mochas available on behalf of Jeannine  
10 for everybody. I'm kidding.

11 We'll go into closed session. After the closed  
12 session, this meeting will be adjourned. Thank you very  
13 much.

14 CHIEF COUNSEL CARTER: Excuse me, Madam Chair,  
15 may I --

16 CHAIRPERSON MARIN: There's a reason why we're  
17 going into closed session. Why don't you tell us why.

18 CHIEF COUNSEL CARTER: We're going into closed  
19 session pursuant to Government Code Section 11126, the  
20 exception of pending litigation and in particular about  
21 pending mediation.

22 CHAIRPERSON MARIN: Okay. That will be the case.  
23 Everybody have a wonderful week. See you next month.

24 (Thereupon the California Integrated Waste  
25 Management Board, Board of Administration

1           recessed into closed session at 12:32 p.m.)  
2           (Thereupon the California Integrated Waste  
3           Management Board, Board of Administration  
4           adjourned closed session at 2:25 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing hearing was reported in shorthand by me,  
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the  
8 State of California, and thereafter transcribed into  
9 typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said hearing nor in any  
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 25th day of October, 2005.

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23 TIFFANY C. KRAFT, CSR, RPR  
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